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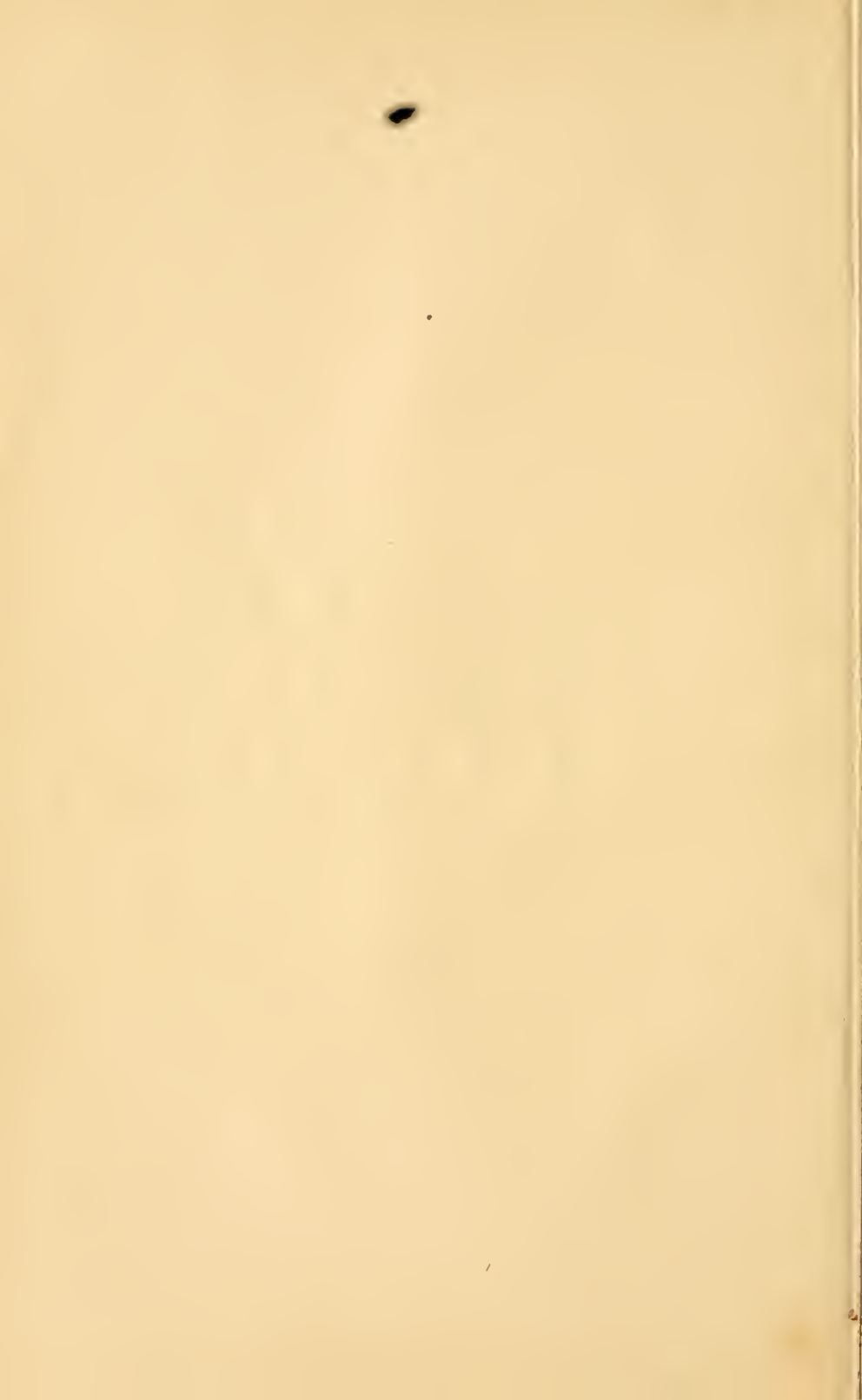
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UNITED STATES OF AMERICA.





FITZ-JOHN PORTER.

"With firmness in the right, as God gives us to see the right."—*Abraham Lincoln.*

FIAT JUSTITIA.

SPEECH

OF

HON. JOSEPH WHEELER,
OF ALABAMA,

IN THE

HOUSE OF REPRESENTATIVES,

THURSDAY, FEBRUARY 15, 1883.

WASHINGTON.

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S P E E C H
OF
HON. JOSEPH WHEELER.

The House having under consideration the bill (S. 1844) for the relief of Fitz-John Porter—

Mr. WHEELER said :

Mr. SPEAKER: As regards the conduct of man to man, the highest command given is that he do unto others even as he would that others should do unto him; and when wrong is done to any man it should be restored to him twofold.

If this mandate should be observed by men, how imperatively should it be the law to govern sovereignties of men! And if reparation must be made to all men, by what rules of measurement should a nation make restitution for the wrongs inflicted upon a public servant whose patriotic, faithful, and heroic service has given luster to her military renown?

General Porter does not ask that the Scriptural precept be meted to him—that to him should be restored twofold for the wrong that has been done him. The demand for justice does not come from him; it comes from the people. Let me express myself clearly. I do not rise, Mr. Speaker, to make an appeal for Fitz-John Porter. That he has been the victim of wrong, great wrong, has been incontrovertibly proven to the American people. He has suffered, and his family has shared his cup of bitterness. Yes, Mr. Speaker, for the fifth of a century the pangs of a living death have been their portion, but his grandeur of character, sustained by Christian virtue, has proved equal to the emergency.

What he now endures, what he has borne for twenty years, he can still support for the short term God may will that he remain with us; and then the grass, perchance rose-bedecked, may grow over a grave marked by a broken shaft on which will be engraved only the words

FITZ-JOHN PORTER.

Passion, prejudice, and falsehood may poison the first impressions of the most earnest seeker for truth, but the sober second thought of the American people will always crystallize around right and justice. The fabric of injustice which the enemies of this great soldier have reared by suppression of facts and distortion of truth will prove futile to withstand the evidence which, accumulating day by day, will, like the steady current of the Mississippi or the thundering torrents of Niagara, sweep every vestige of their work, and themselves with it, into the ocean of oblivion. My appeal, Mr. Speaker, is for the honor of our country; that so far as lies in our power we avert the stigma which must inevitably rest upon her escutcheon should we refuse or hesitate in the rectification of this great wrong.

THE PEOPLE HAVE VINDICATED GENERAL PORTER.

The honor of Fitz-John Porter is no longer in your hands. In their own high court the American people have reversed the decision of 1863. We now call upon you to register the popular decree.

Individual considerations are lost in the presence of the more stupendous question of principle which we feel should guide this great nation in its dealing with its servants.

PORTER DELIBERATELY SELECTED FOR IMMOLATION.

The subject we are called to discuss leads us to make this inquiry:

Is the life, or, what is dearer than life, is the honor of an officer safe in times of great public excitement when his destruction will aid the purposes of partisans?

In a country where there is so much virtue and intelligence and love of justice we would readily conclude that generally Americans, whether officers or citizens, might depend upon being awarded justice in our courts, either civil or military, but the evidence presented by this case to the House and the investigation of other similar cases are startling reminders that we cannot always depend upon the truth or certainty of this proposition.

Fitz-John Porter—the brave soldier—the bean ideal of chivalry—the only member of his class who won on the plains of Mexico the brevet of a field officer—the man selected to instill honor and chivalry into the minds of the military students of our country—the Chevalier Bayard of the Army of the Potomac—the man who,

already covered with glory on twenty fields of battle, was selected to command McClellan's rear-guard from June 26, 1862, the darkest hours seen by the 100,000 men that the gallant and skillful McClellan had pressed to the very inner gates of the confederate capital—Fitz-John Porter, the man who in those desponding hours rallied and aligned the dispirited troops, and owing to whose skill and courage the sun went down the night of July 1 upon the triumph of Malvern Hill, a victory so brilliant and so signally due to that officer as to call for the thanks of the nation, this is the man deliberately selected for immolation! The disaster to Pope's army, which occurred within sixty days from this victory at Malvern Hill, required a scape-goat and a sacrifice.

Fitz-John Porter had refused or had failed to assist in fomenting unjust accusations against General Patterson, and had thereby incurred the ill-will of that officer's enemies. He had spoken highly of McClellan and Buell, and it was charged that he had used expressions which could be interpreted as indicating that the officer who escorted President Lincoln while en route to Washington, and who was then commanding fifty thousand men in the defense of the national capital, was not endowed with all the attributes of a great commander.

These offenses, together with assertions (devoid of foundation) that in private conversation he had used utterances which indicated that he did not approve certain views that the Administration regarded favorably, added force to the incentive to charge General Fitz-John Porter with cowardice before the enemy; and a specification of tardiness was sufficient in that time of great excitement to cause the court, without a scintilla of credible evidence, to brand that awful word upon the name of a distinguished American general whose intrepidity and courage were winning from his soldiers the soubriquet of the Marshal Ney of the American continent.

When a man in the high places of military power needs a victim, one can be found. Pope needed a victim, and he found one. I do believe that if such a towering military genius as Alexander, or Hannibal, or Cæsar, or Marlborough, or Napoleon, or if any one who combined the high qualities of all these in one, had been the exciting cause of overshadowing the self-supposed glory and eminence of John

Pope, that, as the situation then existed, he could have found his victim even in such an illustrious personage. Not only would he have found his victim, but he could have found a court subservient to his purposes, and witnesses quick and apt with the testimony necessary to convict him.

SOVEREIGNS HAVE A RIGHT TO FEEL AND SPEAK ON THIS SUBJECT.

The taunts so often hurled at men from a certain section of the United States, who, in compliance with official obligations, presume to express the results of their investigations and reflections on this subject, will not drive us from our duty.

In reply to their question as to what we have to do with it, let me say that in legislation of a judicial nature we strive to act without passion or bias; and I desire to say that the honor of an American soldier is as dear to us as it is to the people of any portion of our land, whether he belong to one section of the Union or the other.

I shall endeavor to confine myself to a discussion of the subject in a military and historical view, as my friend from Wisconsin, the able jurist, General BRAGG, informs me he will give especial consideration to the legal aspects of the case.

SUCCESS THE END OF MILITARY OPERATIONS.

There is but one purpose in conducting military operations; and that is, to attain success.

Decided victory at one point of battle will often determine the result, and where the armies are about equal in strength, morale, and position, this is so generally true that it is received as a recognized axiom of war.

Victory at a point of battle is attained by accumulating a predominance of force at a given place.

This involves many elements; but supposing other things to be equal the problem resolves itself into the concentration of men at the point indicated, all of which is modified by the various elements which enter into warfare, such as strength of position, morale of combatants, resolution, ability, and vigor of attack; determination, skill, and stubbornness of defense.

Now, in order to fight with the necessary elements of advantage, we must know substantially and practically the strength and position of the army we propose to assail.

The commanding general cannot be everywhere, and cannot know the continually changing condition of the opposing army.

To act with intelligence his army is divided into corps, each of which is under the orders of a man who is and ought to be equal in many respects to the army commander.

He is a man whose reputation and renown is national.

While he is primarily responsible to his commander, he is also *responsible to the country* and to the *government* he has sworn to serve.

Such *chief of corps* has not performed his duty unless he has kept himself fully advised regarding the enemy, which information he should transmit frequently and rapidly to the general of the army.

All orders he receives should be obeyed with promptness and *intelligence*, and an

INTELLIGENT OBEDIENCE OF ORDERS

comprehends an obedience which will carry out the purposes of the commanding general.

A *literal compliance* with an order which it is evident would *defeat* the designs of the general, and which it is evident was written with *erroneous impression* regarding the situation, would be base and criminal *disobedience*.

To win battles you do not want subordinates who with the acumen of a lawyer will justify blunders and unskillful manœuvres by strained, critical construction of words or phrases.

Victories are attained by simpler principles than these.

Every corps commander knows the position of the enemy's troops. He knows the general plan of battle; he knows the point of attack proposed for the other corps; he knows the general principles which govern operations on the field, and the officer who keeps these views uppermost in his mind will generally construe orders as his commander intended he should.

If a chief of corps receives a written order which he knows to be based upon a status which has *changed*, and he knows that compliance with it will cause useless slaughter to his men and insure disaster, can any one justify the officer who blindly and like an automaton mechanically obeys the literal direction?

I say emphatically, no! and military history for two thousand years sustains me in my assertion.

So, too, if any order has been

DELAYED IN TRANSMISSION,

so that when received the *time has passed for subserving the intended purpose*, the same discretion should be used, and failure to use it would be base and criminal.

I not only admit but I must insist that any non-compliance with orders in battle is at the peril of the officer who assumes so grave a responsibility.

If by neglect of his duty he has failed to inform himself sufficiently of the situation, that subsequent events show his action was not in all respects *proper*, he is and ought to be held to the highest responsibility.

So, too, if his mental comprehension is so weak or obtuse that he can not instantly discern his duty, he is not the man designed by nature for a valuable tactician at the supreme moment of battle.

It may be said by some that this test is too severe, but the friends of Fitz-John Porter ask no relaxation of its stringency. As the reward of the successful chieftain is imperishable renown, they admit that the country has a right to correspondingly exacting requirements. But still that

MODERN GOD OF WAR, NAPOLEON,

made no such rules for his marshals and generals.

If literal compliance with the words of his orders had been invariably followed, history would now record disastrous defeats in place of many of the brilliant victories which have entwined imperishable renown with the name of that greatest of commanders.

Such a rule would have made the exercise of two of his most valued maxims of war impracticable, nugatory, and impossible.

FIRST.

There is a moment in battles when the smallest manœuvre or the smallest number of troops decides and gives the superiority.

SECOND.

In war, as in politics, the lost moment never returns. Fortune is a woman, and it is necessary to profit boldly by every opportunity.

I read these two maxims of Napoleon from the very excellent work of Edward Yates, B. A., of King's College, London, page 33. The work is specially commended and indorsed by Professor Narrien, of

the Royal Military College, and also by Lieutenant-General Sir Wm. Napier, K. C. B.

I will now read from Baron de Jomini, page 70, on this subject of

THE FUNDAMENTAL PRINCIPLES OF WAR:

It is proposed to show that there is one great principle underlying all the operations of war, a principle which must be followed in all good combinations. It is embraced in the following maxims:

I.

To throw by strategic movements the mass of an army, successively, upon the decisive points of a theater of war, and also upon the communications of the enemy, as much as possible, without compromising one's own.

II.

To manœuver to engage fractions of the hostile army with the bulk of one's forces.

III.

On the battlefield, to throw the mass of the forces upon the decisive point, or upon that portion of the hostile line which it is of the first importance to overthrow.

IV.

To so arrange that these masses shall not only be thrown upon the decisive point, but that they shall engage at the proper times and with energy.

From Military Maxims of Napoleon, as translated by Colonel D'Aguiar, adjutant general to the troops serving in Ireland, the seventy-second maxim is:

A general-in-chief has no right to shelter his mistakes in war under cover of his sovereign or of a minister when these are both distant from the scene of operation, and must consequently be either ill-informed or wholly ignorant of the actual state of things.

Hence it follows that every general is culpable who undertakes the execution of a plan which he considers faulty. It is his duty to represent his reasons, to insist upon a change of plan, in short, to give in his resignation rather than allow himself to be made the instrument of his army's ruin. Every general-in-chief who fights a battle in consequence of superior orders with the *certainly of losing it* is equally blamable.

In this last-mentioned case *the general ought to refuse obedience*, because a *blind obedience* is due only to a military command given by a superior *present on the spot* at the moment of action. Being in possession of the real state of things, the superior has it then in his power to afford the necessary explanations to the person who executes his orders. But supposing a general-in-chief to receive a positive order from his sovereign, directing him to fight a battle, with the further injunction to yield to his adversary and allow himself to be defeated, ought he to obey it? No. If the general should be able to comprehend the meaning or utility of such an order, he should execute it, *otherwise he should refuse to obey it.**

*In the campaign of 1697 Prince Eugene caused the courier to be intercepted who was bringing him orders from the Emperor forbidding him to hazard a battle, for which everything had been prepared and which he foresaw would prove decisive. He considered, therefore, that he did his duty in evading the orders of his sovereign; and the victory of Zenta in which the Turks lost about thirty thousand men and four thousand prisoners, rewarded his audacity.

In 1793 General Hoche, having received orders to move upon Treves with an army harassed by constant marches in a mountainous and difficult country, *refused to obey*. He observed, with reason, that, in order to obtain possession of an unimportant fortress, *they were exposing his army to inevitable ruin*. He caused, therefore, his troops to return into winter-quarters, and *preferred the preservation of his army*, upon which the success of the future campaign depended, to his own safety.

Another quotation from an American edition of this work reads:

A military order exacts passive obedience *only when it is given by a superior who is present on the spot at the moment when he gives it*. Having then knowledge of the state of things, he can listen to the objections and give the necessary explanations to him who should execute the order.

The maxim which enjoins us to

ATTACK THE WEAKEST POINT

of the enemy's position is much older than Napoleon. It is as old as the military art itself. At least, we can say it was known and practiced at the siege of Troy, as is proven by the following passages from the grand old Homer, to whom we are indebted for nearly all the military maxims of this and past ages. We perceive herein that not only did the Greeks attack the weak point, but also that the Trojans had an eye to its defense. The verses below are a part of the earnest and eloquent appeal made by Andromache to Hector, urging among others this reason why he should remain within the city:

*Here is full work for thy majestic soul,
For hitherward the waves of battle roll;
Here, by the fig trees, feeblest is the wall;
Here plant thy standard, here thy heroes call.
Thrice, here, the towering Greeks their strength have tried;
Here Ajax stormed with Diomed allied,
Assisted by the matchless king of Crete,
And Atreus' sons, in war-gear clad complete;
Hither directed, by their skill to see
Our salient points, or led by prophecy,
Perhaps some God points out the dangerous way;
Then here, dear Hector, dearer husband, stay;
So that th' Attila and their Grecian braves
In their next onset, here embrace their graves.*

This maxim was known to Alexander, to Scipio, Hannibal, Caesar, and Pompey.

It was known to Marlborough, Wellington, Washington, and Napoleon.

It was known to Andrew Jackson, and was known to Lee and Grant and Sherman and to Fitz-John Porter.

THE CHARGES UPON WHICH PORTER WAS TRIED EXAMINED.

The specifications to the charges upon which General Porter was tried, after divesting them of verbiage, were, in substance, these :

First. Disobedience to the order of August 27th, requiring him to march from Warrenton Junction at one o'clock on the morning of the 28th, and be at Bristoe Station by daylight.

Second. Disobedience on August 29th, while in front of the enemy, to the joint order to McDowell and Porter, directing them to march toward Gainesville and establish communication with the other corps.

Third. Disobedience on August 29th, while in front of the enemy, to what is known as the "4.30 p. m. order," requiring Porter to attack the enemy's flank and rear.

His prosecutors of the last few years have made the additional charge that he violated a maxim of war, and, as some term it, one of the great leading maxims in Napoleon's military experience. I will endeavor to discuss these matters in their order, and we will first examine

THE ORDER DIRECTING PORTER TO START AT 1 A. M.,

on August 28, for Bristoe Station.

Porter's corps had marched all day. A portion of the troops were just going into camp when the order which is referred to and which constitutes the gravamen of the first specification reached him. This was at 9.50 p. m. on the 27th. I will read the entire specification :

SPECIFICATION 1ST.—In this: that the said Major-General Fitz John Porter, of the volunteers of the United States, having received a lawful order, on or about the 27th August, 1862, while at or near Warrenton Junction, in Virginia, from Major-General John Pope, his superior and commanding officer, in the following figures and letters, to wit:

HEADQUARTERS ARMY OF VIRGINIA,
August 27, 1862—6 30 p. m., Bristoe Station.

GENERAL: The major-general commanding directs that you start at one o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you send word to him to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight. I send an officer with this dispatch, who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run

back the railroad train to this side of Cedar Run. If he is not with you, write him to that effect.

By command of Major-General Pope :

GEO. D. RUGGLES,
Colonel and Chief of Staff.

Major-General F. J. PORTER, *Warrenton Junction.*

P. S.—If Banks is not at Warrenton Junction leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately. If Banks is not at the junction instruct Colonel Clary to run the trains back to this side of Cedar Run, and post a regiment and section of artillery with it.

By command of Major-General Pope :

GEO. D. RUGGLES,
Colonel and Chief of Staff.

Did then and there disobey the said order, being at the time in the face of the enemy. This at or near Warrenton, in the State of Virginia, on or about the 28th of August, 1862.

The distance was nine or ten miles, the night was dark, and the narrow road, badly cut up with ditches and gullies, was filled with the general supply train of the Army.

[I will have published in the RECORD a series of maps, illustrating the geography of the country and the several positions of the two armies.]

Most of Porter's corps had marched 18 miles a hot summer day, and all of them as much as 12 miles.

Porter had a right to suppose that if Pope knew these facts he would not have fixed 1 o'clock for his command to move. He, however, directed the order to be complied with, and his subordinate generals joined in an appeal that the tired men should be allowed a little much-needed sleep.

Porter immediately sent a dispatch to General Pope stating these facts, together with the information that the road was so blockaded with wagons that progress would be difficult, suggesting a delay until 3 a. m., also respectfully requesting that he would send an *officer* of his staff to aid him in moving the wagons out of the road so that he could march.

The fact that General Pope sent *officers* to aid in clearing the way shows that the commanding general *recognized* the difficulty of Porter's immediate and literal compliance with the order, by reason of the impediments suggested in Porter's request. The commanding general *makes haste to aid* in thus clearing the way. Porter's request

for aid to clear the way was but a part of his request to Pope, the other part being for *two hours' delay* (from 1 to 3 o'clock). Now, the fact that Pope sent officers to aid in clearing the way, thus acknowledging its necessity, was quite sufficient to assure Porter that the general had recognized the difficulty of an immediate movement. This was sufficient to lead Porter to suppose that Pope in complying with the chief part of the request *signified* his assent to the other. And this suggestion becomes irresistibly forcible when coupled with the fact that upon the arrival of Porter the next day the commanding general expressed no displeasure, and that, in fact, if he felt any displeasure it was concealed from Porter for nearly three months, he hearing nothing of it until the charges were preferred against him.

I do not mean to assert that Porter's letter to General Pope contained a request, in so many words, for authority to delay the march until three o'clock. Porter explained the situation to General Pope, and stated that therefore (meaning, of course, that unless the commanding general otherwise directed) he would start at three o'clock.

A CORDIAL AND SOLDIERLY MEETING.

Not only was there no suggestion of displeasure on the part of General Pope at this meeting, but there was a remark made by him to Porter which conclusively shows that there *was no* feeling of displeasure. He said to Porter that *there had been no necessity for an earlier appearance of his corps*.

Now this meeting of Pope and Porter is extremely significant. Here we see the chief and the subordinate *face to face* on the morning of the 28th. The meeting is *cheerful, soldierly, and cordial*; just such a meeting and greeting as should be between brave men in the harness of war, fighting for their country. It must be remembered, too, that both these generals had in their minds at that moment the correspondence of the previous night; that is, the order to move by Pope, and the request of Porter for *aid and delay*. And with all these transactions fresh in the mind of each they *met on the square*; and there is not the slightest hint of disapprobation, but, on the contrary, the high courtesies of gentlemen with social and official cordiality. Three months afterwards Pope was a witness against Porter on the court-martial. In reply to a question from Porter he testifies (see p. 19, marginal

p. 18, Ex. Doc. No. 71, Thirty-seventh Congress, third session, record of Fitz-John Porter's court-martial):

I saw him (Porter) at Bristoe Station. I think it was about 8 o'clock on the morning of the 28th.

And in further reply to most searching interrogatories, General Pope says (see p. 19):

I am therefore very sure that I did not complain to Porter.

I am not sure that he gave me any explanation. I have a general recollection that he spoke to me of his march and the difficulties that he had in getting wagons out of the road, * * * and the difficulty he had in getting through the wagon-trains.

On page 13 General Pope, in testifying about this order, in reply to a question from the judge-advocate, said:

Q. Did he at that time, or at any time before his arrival, explain to you the reason why he did not obey the orders?

A. He wrote me a note, which I received, I think, on the morning of the 28th, very early in the morning, perhaps a little before daylight. I am not quite sure about the time. The note I have mislaid. I can give the substance of it. *I remember the reasons given by General Porter.*

WAS PORTER'S REQUEST FOR AID TO REMOVE THE IMPEDIMENTS IMPERTINENT?

I respectfully submit that there was nothing improper or unusual in this request for assistance from the commanding general in their removal.

On the contrary, it was precisely what any well-informed and judicious officer should have done.

Porter was without any cavalry, and his couriers were exhausted. The wagons encumbering the road belonged to the general supply trains.

No portion of the trains which filled the road belonged to Porter's corps.

For him to give orders to wagon-masters over whom he had no control, while proper in case of an exigency when it could not be avoided, was certainly more

CONSISTENT WITH MILITARY RULES

and discipline for him to prevent difficulty and conflict by asking Pope to send an officer who understood his wishes to superintend this work.

It is very probable that Porter considered it possible there were

some trains, for instance the ammunition trains, which Pope desired especially to have hastened on and not turned out of the road.

If we establish a principle that it is right and proper for subordinate commanders to order the supply and ammunition trains of an army out of the road, and thus stop them while they are moving pursuant to orders from the commanding general, a most dangerous and unmilitary system would be inaugurated, and frequently such action on the part of subordinate officers would thwart the best-laid plans of an army commander; sometimes trains which the general was having moved to a place of safety would by orders of a subordinate officer be stopped and left liable to capture, and in other cases supply and ammunition trains which were imperatively needed at a certain point would by such unauthorized orders be delayed so as to materially embarrass the plans of the general commanding.

GENERAL PORTER WAS TOO GOOD A SOLDIER

not to appreciate such considerations, and therefore he asked General Pope to have an officer of his staff who understood his plans present, so that by no possibility could he interfere with any wishes or purposes of the general regarding the movements of the army trains; and yet there are men, formerly brave generals, now assailing General Porter, who sound such deep depths in search of matters of acensation that they lose their bearings, and in discussing this action of Porter regarding the wagons go so far as to say that Pope would have been justified in relieving him of his command at that moment.

This effort to show that in a military sense this request was a piece of impertinence amounting to insubordination is a huge absurdity. The fact that General Pope complied with it by sending officers to aid in clearing the way is conclusive to show that General Pope did not consider this request as at all impertinent. A commanding general will hardly make haste to comply with an insulting or impertinent request.

Every experienced officer knows how fatiguing is a march over a gullied road stopped up with wagons, and that to awaken wearied troops in time to start on the march at 1 o'clock will unfit them for the next day's work. General Porter knew that upon his arrival at Bristoe Station he was

EXPECTED TO PURSUE A FLYING ENEMY,

and that his commander's purposes could be better carried out by allowing his tired soldiers a two hours' rest, while, with his staff aided by orders from his commander, he prepared the road so that his troops could march with facility.

The suggestion that the troops could march on the railroad does not help the matter, for ten thousand men *after stumbling over cross-ties and trestles on a dark night for nine miles* would be of little value the next day.

Now, bear in mind that on the opening of Porter's trial, General Pope swore as follows (page 13, Ex. Doc. No. 71, Thirty-seventh Congress, third session, record of Fitz-John Porter court-martial):

By the JUDGE-ADVOCATE:

Question. What was the character of the night; was it starlight?

Answer. Yes, sir; as I remember, it was a clear night. * * * There was no difficulty in marching, so far as the night was concerned.

Major-General Heintzelman, a witness for the prosecution on Porter's trial, testified (see proceedings of court cited, Schofield board, page 80, 81):

It was very difficult to march on the railroad in the night. Some of the rails were torn up, ties piled on the track, culverts destroyed, and bridges burned. It was very dark. In the course of the night we had a drizzling rain.

General Reynolds (page 169 court-martial record) testified:

It was a very dark night.

* * * * *

I should not have considered it practicable to march that night. I should have considered it a very precarious undertaking.

These distinguished officers, Major-General Heintzelman and General Reynolds, are sustained in their testimony that the night was very dark by the following array of witnesses (I will cite the House to the pages where their evidence can be found in the court-martial records; the pages referred to are the marginal pages in the Schofield board record): Col. Robert E. Cleary, page 121; Capt. B. F. Field, page 123; Capt. George Montith, page 126; Col. Frederick T. Locke, page 134; General Charles Griffin, pages 160 and 161; Col. J. P. Brinton, page 205; General Robert C. Buchanan, page 214; General George D. Ruggles, page 279. All these witnesses testify that the night was very dark, and some of them swear that it was rain-

ing. And the substance of all their testimony shows that to have made the march either on the railroad or the dirt road or across the fields would have been almost impossible, and would have destroyed the efficiency of the army corps for any service the following day. This evidence also flatly contradicts the evidence of General Pope.

Now, as General Pope is flatly contradicted by this array of witnesses upon an important point, and as we have seen that he contradicted himself on another important point, and as this is but a sample of the want of accuracy in very many points in his evidence, can the American people allow the honor of Fitz-John Porter to be affected by any statement of such a man?

When Porter reached Bristoe Station the next morning, about 8 o'clock, he received no order to proceed farther.

To show that

NO ATTACK WAS EXPECTED,

I will read General Pope's orders to his other commanders:

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 27, 1862—9 o'clock p. m.

Major-General McDOWELL:

At daylight to-morrow morning march rapidly on Manassas Junction with your whole force, resting your right on the Manassas Gap Railroad, throwing your left well to the east. *Jackson, Ewell, and A. P. Hill are between Gainesville and Manassas Junction. We had a severe fight with them to-day, driving them back several miles along the railroad. If you will march promptly and rapidly at the earliest dawn of day upon Manassas Junction, we shall bag the whole crowd.* I have directed Reno to march from Gainesville at the same hour upon Manassas Junction, and Kearney, who is in his rear, to march on Bristoe at daybreak. Be expeditious and the day is our own.

JNO. POPE,
Major-General Commanding.

HEADQUARTERS, BRISTOE,
August 27, 1862—9 o'clock p. m.

Major-General KEARNEY:

At the very earliest blush of dawn push forward with your command with all speed to this place. You cannot be more than three or four miles distant. *Jackson, A. P. Hill, and Ewell are in front of us. Hooker has had a severe fight with them to-day. McDowell marches upon Manassas Junction from Gainesville to-morrow at daybreak; Reno upon the same place at the same hour. I want you here at day-dawn, if possible, and we shall bag the whole crowd.* Be prompt and expeditious, and never mind wagon trains or roads till this affair is over. Lieutenant Brooks will deliver you this communication. He has one for General Reno and one for General McDowell. Please have these dispatches sent forward instantly by a trusty staff officer, who will be sure to deliver them without fail;

and make him bring back a receipt to you before daylight. Lieutenant Brooks will remain with you and bring you to this camp. Use the cavalry I send you to escort your staff officer to McDowell and Reno.

JNO. POPE,
Major-General Commanding.

BRISTOE STATION, August 27, 1862—9 p. m.

To Major-General RENO: March at earliest dawn of day, with your whole command, on Manassas Junction. Jackson, Ewell, and A. P. Hill are between Gainesville and that place, and if you are prompt and expeditious we shall bag the whole crowd. McDowell advances upon Manassas Junction from Gainesville at the same hour; Kearney on Bristoe. As you value success, be off at the earliest blush of day. Acknowledge the receipt of this, and do not stop to look for roads, and, if necessary, leave guards with your trains. Push across the country wherever artillery can be hauled. I rely on your speed.

JOHN POPE,
Major-General Commanding.

It will be observed that the other troops of Pope's army were ordered to march at daylight, and all were notified that the movement proposed was an aggressive one.

I would here call attention to what I regard as an

IMPORTANT FACT.

The order to Kearney said:

At the very earliest blush of dawn push forward with your command with all speed to this place. You cannot be more than three or four miles distant.

It also contained these words:

I want you here at day-dawn, if possible, and we shall bag the whole crowd.

Although Kearney had but three or four miles to travel, while Porter had to travel nine or ten miles, Porter reached Bristoe Station at 8 a. m., at the same time that Kearney arrived. Kearney, up to the day of his death, was so commended as to cause him to be considered a proper officer to be put in command of the army.

The next day Pope, over his own signature, informed Kearney that—
McDowell had intercepted the retreat of the enemy.

And in the same communication he said:

I desire you to move forward at 1 o'clock to-night, even if you can carry with you no more than 2,000 men. * * * The enemy is not more than three and a half miles from you. Seize any of the people of the town to guide you. Advance cautiously and drive in the enemy's pickets to-night and at early dawn attack him vigorously. Be sure to march not later than 1 with all the men you can take.

The evidence of Major-General Heintzelman, witness for the prosecution (marginal page 610, Schofield board report) is :

Direct-examination :

Question. Will you read to the board those events which you noted at the time August 29, 1862?

Answer. Centreville, Friday, August 29, 1862: Kearney did not get off until after day-light. * * * In the night an order came for Kearney to advance at 1 a. m. and attack the enemy. Hooker, at 3 a. m., was to support him. The report was that General McDowell had intercepted the enemy, and the next morning I started at daylight as I was directed. When I got to where Kearney was his division had not started.

Now, bear in mind that while General Kearney was delaying six or seven hours, in complying with a most positive and peremptory order to move at 1 o'clock and attack the enemy at daylight, Porter, as we shall soon see, was obeying Pope's order to march at 3 a. m., with most implicit acenraey and promptness. As not even an explanation was required of Kearney, it must be presumed that Pope recognized that he made the delay for good reasons.

I am not permitted, under the rules of Congress, to allude to the able speeches of Senators, but I am authorized to refer to their published letters, one of which, under date of November 23, 1882, I find in the Chicago Tribune.

General LOGAN, in this letter, under the heading

POPE'S ORDER TO PORTER,

says :

Anticipating an attack from the confederate forces on the morning of the 28th.

General Logan commits an error here, because Pope's order to Porter directed him (Porter) to start so as to be at Bristoe Station the morning of the 28th; not for the purpose of resisting an attack, but quite the contrary, for the purpose of inaugurating an aggressive movement. I will give the exact language of General Pope in his order to Porter:

The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is.

In this connection, I will state that all the proof shows that at the hour Porter left Warrenton Junction there was not a confederate at Manassas, nor between that place and Gainesville.

General LOGAN, in his letter, also uses these words :

Hooker's command being about out of ammunition.

If it was true that Hooker was about out of ammunition, General Pope did not know it when he made the 6.30 order of the 27th, and therefore it could not have entered into his reasons for sending the order.

The proof shows that the report regarding the scarcity of ammunition did not reach Pope until after dark, and it appears that Hooker did not get through with his fight until dark, which was some time after Pope wrote the order, and so far from its being proven that he was out of ammunition, distinguished officers of Hooker's corps say that there was no scarcity; and if Hooker had needed ammunition is it not probable that General Pope would have ordered supplies from General Kearney, who was but four miles distant, and whom Pope ordered to start at daylight to Bristoe Station? In addition, it must be remembered that General Pope's general supply train was then in the road which led to that place.

The first allusion I find to this matter is in General Pope's official report.

General LOGAN also gives another reason why General Pope made the 6.30 order of the 27th. General LOGAN's words are:

Inasmuch as he desired to send a portion of his forces in the direction of Gainesville and on to Thoroughfare Gap, so as to impede the advance of Longstreet, who was then marching rapidly to join Jackson.

This could not have been General Pope's purpose, because his correspondence shows that he had no idea at that time that Longstreet was anywhere near Thoroughfare Gap, marching to join Jackson.

It was two days after, that is, on the 29th, that General Pope says he learned of Longstreet's advance.

The words General Pope used on the 29th were:

The indications are that the force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day.

But, in passing, let me make this comment. If General LOGAN is correct in his assumption that the purpose of Pope's order of the 27th was for Porter to impede the advance of Longstreet, and if it was true that Longstreet was then marching rapidly to join Jackson, how can General LOGAN or General Pope, or any one else, deny that on the 29th Longstreet was in front of Porter?

But as a conclusive answer to the prosecutors and persecutors of

General Porter, who still say that he should have literally complied with the order, and started to march at 1 o'clock in the night, I will read the opinion expressed by General Grant upon this subject, and will not weaken his forcible way of treating the matter by any further remarks of my own :

His troops had been marching all day, were very much fatigued, some of them only having just arrived in camp and had their supper, when the order to march at 1 o'clock was received. The night, as shown in the testimony before the court which tried Porter, and as confirmed by the evidence given in what was known as the Schofield board, was extremely dark; the road very narrow, with numerous cuts and streams passing through it; bounded by woods on both sides in many places, with no place where the open country could be taken for the march of troops; and blocked up with about 2,000 army wagons, many of them mired in the narrow road, so that the officer who conveyed this order to General Porter was over three hours on horseback, in making the distance of ten miles. Porter was expected, with fatigued troops, worn with long marches, on scanty rations, to make a march on a very dark night, through a blockaded road, more rapidly than a single aid-de-camp, unnumbered, had been able to get through on horseback.

When he received the order he showed it to his leading generals, and, apparently with one accord, they decided that the movement at that hour was impossible; further, that no time could possibly be gained by so early a start, and that if they should start at that hour and get through to Bristoe Station at the time designated, the troops would not be fit for either fighting or marching on their arrival at that point. Porter replied, however, "Here is the order, and it must be obeyed;" but, after further consultation, he decided, as did his generals, that a postponement of two hours in starting the march would enable them to get through as quick as if the men were kept on foot and under arms while the road was being cleared, and that the men would be in much better condition for service on their arrival at their destination. He was entirely justified in exercising his own judgment in this matter, because the order shows that he was not to take part in any battle when he arrived there, but was wanted to pursue a fleeing enemy. He did not leave the commanding general in ignorance of his proposed delay, nor of the reasons for it, but at once sent a request that the general commanding should send back cavalry (he had none himself) and clear the road near him of incumbrances, so that the march might be unobstructed.

It is shown that a literal obedience of the order of the 27th of August was a physical impossibility. It is further shown that General Porter was desirous of obeying it literally, so far as was practicable, but was prevailed upon by his leading generals—against whom a suspicion of disloyalty to their commander or to the cause has never been entertained—to do what his own judgment approved as the best thing to do, to make a later start with a view of arriving at his destination as early as it was possible for him to arrive there, and to give to his jaded and worn troops two hours more of needed rest. If the night had been clear and the road an open one there would not have been as much justification for the exercise of his discretion in the matter; but there is no doubt but that he would have arrived at Bristoe Station just as early, and with his troops in much better condition, if he had started at early dawn instead of at the hour he did, and the intervening time had been used in clearing the road for his troops when they did march. Where there were open spaces along the line of the road they were either marshy, filled with stumps of trees, and impossible to march over, or were crowded with

army wagons, so that the track of his army was limited to the incumbered narrow road between the two points designated in the order, which could be cleared only by the wagons being moved ahead, as requested of Pope.

Much of the testimony before the court and before the army board might be quoted to confirm what is here stated: but as this is all accessible to the reader I will not lengthen this statement by quoting it.

SECOND SPECIFICATION.

We now come, Mr. Speaker, to the second specification, which refers to what is called the joint order. General Porter received it about noon, 12 o'clock, on August 29. The entire specification reads:

SPECIFICATION 2D.—In this: That the said Major-General Fitz-John Porter, being in front of the enemy, at Manassas, Virginia, on or about the morning of August 29, 1862, did receive from Major-General John Pope, his superior commanding officer, a lawful order, in the following letters and figures, to wit:

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

Generals McDOWELL and PORTER:

You will please move forward with your joint commands towards Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run at Centreville to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall on the enemy's flank and rear. I do not even know Ricketts' position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts and instruct him to join the other divisions of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order it will not be strictly carried out. One thing must be held in view: That the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or the next day. My own headquarters will, for the present, be with Heintzelman's corps or at this place.

JOHN POPE,
Major-General, Commanding.

Which order the said Major-General Porter did then and there disobey. This at or near Manassas, in the State of Virginia, on or about the 29th of August, 1862.

The charge that Porter delayed in obeying this order directing that McDowell and himself march towards Gainesville is certainly without foundation.

He did not receive the order until 12 o'clock, and all the proof shows he had anticipated the order and had fully executed it. He had "moved forward with his command toward Gainesville" as far

as he could go, and he had fully complied with the part of the order which said—

I desire that as soon as communication is established between this force (that on his right), and your force, the whole command shall halt.

He had established communication with the force on his right, and he had formed line to engage Longstreet, whose forces were drawn up in his immediate front.

Even General McDowell testifies that Porter had complied with the directions of the order before it reached him, and all the facts show that General Porter gave an intelligent and prompt compliance with this and the two preceding orders which he received that day; and the proof also shows that General McDowell, who was senior to Porter, was present when Porter received the order; that he assumed command and became responsible for the movements of General Porter's corps.

To use the

LANGUAGE OF THE SCHOFIELD BOARD :

McDowell arrived on the field, * * * assumed the command, and arrested Porter's advance.

General McDowell's exact language while testifying upon this point against Porter was (see record, page 83):

At that time I conceived General Porter to be under me. When the joint order reached us we were doing what that joint order directed us to do. That joint order found the troops in the position in which it directed them to be.

I cannot do better than to read an extract from the report of the Schofield board, which explains these views very fully:

These charges and specifications certainly bear no discernible resemblance to the facts of the case as now established. Yet it has been our duty to carefully compare with these facts the views entertained by the court-martial, as shown in the findings and in the review of the case which was prepared for the information of the President by the judge-advocate-general, who had conducted the prosecution, and thus to clearly perceive every error into which the court-martial was led. We trust it is not necessary for us to submit in detail the results of this comparison, and that it will be sufficient for us to point out the fundamental errors, and to say that all the essential facts in every instance stand out in the clear and absolute contrast to those supposed facts upon which General Porter was adjudged guilty.

The fundamental errors upon which the conviction of General Porter depended may be summed up in few words. It was maintained, and apparently established to the satisfaction of the court-martial, that only about one-half of the confederate army was on the field of Manassas on the 29th of August, while General Lee, with the other half, was still beyond the Bull Run Mountains; that General Pope's army, exclusive of Porter's corps, was engaged in a severe and nearly equal contest with the enemy, and only needed the aid of a flank attack which Porter was

expected to make to insure the defeat and destruction or capture of the confederate force in their front under General Jackson; that McDowell and Porter, with their joint forces, Porter's leading, had advanced towards Gainesville until the head of their column had reached a point near the Warrenton turnpike, where they found a division of confederate troops, "seventeen regiments," which Buford had counted as they passed through Gainesville, marching along the road across Porter's front, and going toward the field of battle at Groveton; that McDowell ordered Porter to at once attack that column thus moving to join Jackson, or the flank and rear of the line if they had formed in line, while he would take his own troops by the Sudley Springs road and throw them upon the enemy's center near Groveton; that Porter, McDowell having then separated from him, disobeyed that order to attack, allowed that division of the enemy's troops to pass him unmolested, and then fell back and retreated toward Manassas Junction; that Porter then remained in the rear all the afternoon, listening to the sounds of battle and coolly contemplating a presumed defeat of his comrades on the center and right of the field; that this division of the enemy having passed Porter's column and formed on the right of Jackson's line near Groveton, an order was sent to Porter to attack the right flank or rear of the enemy's line, upon which his own line of march must bring him, but that he had willfully disobeyed, and made no attempt to execute that order; that in this way was lost the opportunity to destroy Jackson's detached force before the other wing of General Lee's army could join it, and that this junction having been effected during the night of the 29th, the defeat of General Pope's army on the 30th thus resulted from General Porter's neglect and disobedience.

Now, in contrast to these fundamental errors the following all-important facts are fully established:

As Porter was advancing toward Gainesville, and while yet nearly four miles from that place and more than two miles from the nearest point of the Warrenton turnpike, he met the right wing of the confederate army, 25,000 strong, which had arrived on the field that morning and was already in line of battle. Not being at that moment quite fully informed of the enemy's movements, and being then under orders from Pope to push rapidly toward Gainesville, Porter was pressing forward to attack the enemy in his front, when McDowell arrived on the field with later information of the enemy, and later and very different orders from Pope, assumed the command, and arrested Porter's advance. This latter information left no room for doubt that the main body of Lee's army was already on the field and far in advance of Pope's army in preparation for battle. General McDowell promptly decided not to attempt to go farther to the front, but to deploy his column so as to form line in connection with General Pope's right wing, which was then engaged with Jackson. To do this General McDowell separated his corps entirely from General Porter's, and thus relinquished the command and all right to the command of Porter's corps. McDowell did not give Porter any order to attack, nor did he give him any order whatever to govern his action after their separation.

It does not appear from the testimony that he conveyed to General Porter in any way the erroneous view of the military situation which was afterward maintained before court-martial, nor that he suggested to General Porter any expectation that he would make an attack. On the contrary, the testimony of all the witnesses as to what was actually said and done, the information which McDowell and Porter then had respecting the enemy, and the movement which McDowell decided to make, and did make, with his own troops, prove conclusively that there was left no room for doubt in Porter's mind that his duty was to stand on the defensive and hold his position until McDowell's movement could be com-

pleted. It would have indicated a great error of military judgment to have done or ordered the contrary, in the situation as then fully known to both McDowell and Porter.

General Pope appears from his orders and from his testimony to have been at that time wholly ignorant of the true situation. He had disapproved of the sending of Ricketts to Thoroughfare Gap to meet Longstreet on the 28th, believing that the main body of Lee's army could not reach the field of Manassas before the night of the 30th. Hence he sent the order to Porter dated 4.30 p. m. to attack Jackson's right flank or rear. Fortunately that order did not reach Porter until about sunset, too late for any attack to be made. Any attack which Porter could have made at any time that afternoon must necessarily have been fruitless of any good result.

Porter's faithful, subordinate, and intelligent conduct that afternoon saved the Union army from the defeat which would otherwise have resulted that day from the enemy's more speedy concentration. The only seriously critical period of that campaign, namely, between 11 a. m. and sunset of August 29, was thus safely passed. Porter had understood and appreciated the military situation, and, so far as he had acted upon his own judgment, his action had been wise and judicious. For the disaster of the succeeding day he was in no degree responsible. *Whosoever else may have been responsible, it did not flow from any action or inaction of his.*

The judgment of the court-martial upon General Porter's conduct was evidently based upon greatly erroneous impressions, not only respecting what that conduct really was and the orders under which he was acting, but also respecting all the circumstances under which he acted. Especially was this true in respect to the character of the battle of the 29th of August. That battle consisted of a number of sharp and gallant combats between small portions of the opposing forces. Those combats were of short duration, and were separated by long intervals of simple skirmishing and artillery duels. Until after 6 o'clock only a small part of the troops on either side were engaged at any time during the afternoon. Then, about sunset, one additional division on each side was engaged near Groveton. The musketry of that last contest and the yells of the confederate troops about dark were distinctly heard by the officers of Porter's corps; but at no other time during all that afternoon was the volume of musketry such that it could be heard at the position of Porter's troops. No sound but that of artillery was heard by them during all those hours when Porter was understood by the court-martial to have been listening to the sounds of a furious battle raging immediately to his right. And those sounds of artillery were by no means such as to indicate a general battle.

The reports of the 29th and those of the 30th of August have somehow been strangely confounded with each other. Even the confederate reports have since the termination of the war been similarly misconstrued. Those of the 30th have been misquoted as referring to the 29th, thus to prove that a furious battle was going on while Porter was comparatively inactive on the 29th. The fierce and gallant struggle of his own troops on the 30th has thus been used to sustain the original error under which he was condemned. General Porter was in effect condemned for not having taken any part in his own battle. Such was the error upon which General Porter was pronounced guilty of the most shameful crime known among soldiers. *We believe not one among all the gallant soldiers on that bloody field was less deserving of such condemnation than he.*

This board, whose material was of the very best, composed of men of character, learning, and integrity, not only acquits Porter, but passes upon him and his gallant conduct the highest eulogy. They

show a generous eagerness to publish these exculpatory facts, recognizing that it is their great privilege to help to lift away the obloquy which has so long rested upon the name and character of a great and noble man. Their deliberations were attended with fairness, caution, energy, and openness, such as to exclude the idea of prejudice on one side or partiality on the other. And the conclusion reached by this board has been indorsed by the American people.

This board, in addition to what is set out in the foregoing extract, as the conclusion of its labors, after the most patient and solemn deliberation, under the guidance of the truths of history and the testimony before them, elaborately examined and compared with the testimony upon which the convicting court-martial had acted, proceed to recommend in these words:

Having thus given the reasons for our conclusions, we have the honor to report, in accordance with the President's order, that, in our opinion, *justice* requires at his hands such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Major-General Fitz-John Porter, and to restore him to the positions of which that sentence deprived him—such restoration to take effect from the date of his dismissal from service.

MORE OF GENERAL LOGAN'S MISTAKES.

General LOGAN, in the newspaper article, in discussing the operations of August 29, says:

Pope issued an order at 3 o'clock a. m. for Porter to move at daylight to Centreville. This order being a verbal order, Porter did not obey it.

General LOGAN is again mistaken. This order was not verbal; it was written, and appears in records of the court of the Schofield board, and in all the proceedings. I read from the proceedings of the Schofield board, page 18, and I also find it in the CONGRESSIONAL RECORD of January, 1883:

HEADQUARTERS ARMY OF VIRGINIA,
Near Bull Run, August 29, 1862—3 a. m.

GENERAL: McDowell has intercepted the retreat of Jackson. Sigel is immediately on the right of McDowell. Kearney and Hooker march to attack the enemy's rear at early dawn. Major-General Pope directs you to move upon Centreville at the first dawn of day with your whole command, leaving your trains to follow. It is very important that you should be here at a very early hour in the morning. A severe engagement is likely to take place, and your presence is necessary.

I am, general, very respectfully, your obedient servant,

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Major-General PORTER.

General Porter obeyed the order promptly, and marched at least six miles to a point beyond Manassas Junction.

It is not surprising that an experienced soldier like General LOGAN should get an impression that the order was not obeyed. No doubt his study of the campaign convinced him that Porter might have doubted its authenticity and hesitated a moment to inquire into its integrity before rousing his tired troops for a march, pursuant to an order which showed inconsistency upon its face.

This order informed Porter that a severe engagement was likely to take place near Centreville, and therefore he is told that "his presence is necessary."

Now, General LOGAN's study of the case no doubt convinced him that so eminent a soldier as General Porter could see in a moment that the order was devoid of purpose; that it carried him away from the field of action, and not towards a point where "a severe engagement was likely to take place."

General LOGAN's study of the case showed him that Porter knew Jackson's corps was not at or near Centreville, but that the bulk of his troops were between Groveton and Sudley's Springs.

General LOGAN's study of the case also showed him that Porter knew of the contradictory orders which General Pope sent to General McDowell the day previous, viz:

First. To march with his whole force to Manassas.

Second. To march upon Centreville.

Third. To march upon Gum Spring.

It is possible General LOGAN felt that if he had been in Porter's place he would have asked explanations before obeying the order.

But, as I have asserted, General Porter obeyed the order without hesitation, and continued to march as directed, until General Pope, convinced that the order was wrong, hastened to countermand it, and to direct Porter to march upon Gainesville.

General LOGAN, continuing the narrative, says:

General Pope in the mean time, finding that Longstreet was moving to the support of Jackson and that Porter was still not moving, changed his order and put it in writing to Porter to avoid any excuse on Porter's part. The order was in the following language:

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

To Major-General FITZ-JOHN PORTER:

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious or we will lose much.

JOHN POPE,
Major-General, Commanding.

The order was handed to General Porter about 9 o'clock. His troops were then ready to move.

This last expression would indicate that Porter had not yet left his camp, near Bristoe Station, when in point of fact he was six miles away, two miles beyond Manassas Junction.

General LOGAN then says that Porter did not move in compliance with that order until 10 o'clock, and that—

He moved slowly and leisurely and arrived at Dawkins Branch at 12 o'clock, a distance of five miles.

I admit that this was not rapid marching, but without any orders to hasten, it was fair speed for a hot August day, and it must be remembered that these troops were up before day and had already marched six miles before commencing the five-mile march referred to.

General LOGAN further says:

At Dawkins Branch General McDowell came up to the head of Porter's column, having what is known as the joint order, or an order to McDowell and Porter both to proceed to Gainesville.

* * * * *
At this point McDowell showed Porter the joint order to proceed to Gainesville, at the same time giving him the information sent to Pope by Buford of the passage of the fifteen regiments of infantry and five hundred cavalry through Gainesville that morning. This was the only information that Porter had on the subject of Longstreet's forces, as he stated himself.

General LOGAN is certainly mistaken in this last statement, for the proof shows that Porter obtained his information from various other sources, among which was the fact that he had taken prisoners belonging to Longstreet's corps.

General LOGAN also says:

McDowell finding that it was impossible to pass Porter's forces in the road with his command went back and took his command on a road off to the right, reaching out to the rear of Pope's forces that were then engaged in battle. He marched and arrived in time to put his forces in action and fought them until 9 o'clock that evening.

The proof shows that he is mistaken on this point. General McDowell says that the fight commenced about sundown and lasted nearly an hour. What was called General Pope's fight of the 29th was on Pope's right, fully three miles off. The fight on the Warrenton pike was part of King's division, under Hatch, engaged with Hood's two brigades.

THIRD SPECIFICATION.

We now come, Mr. Speaker, to *the third and last specification*, which embodies what has been termed the 4.30 order, and charged that

General Porter received and failed to comply with the directions it contained. I will read :

SPECIFICATION 3D.—In this: That the said Major-General Fitz-John Porter, having been in front of the enemy during the battle of Manassas, on Friday, the 29th of August, 1862, did on that day receive from Major-General John Pope, his superior and commanding officer, a lawful order, in the following letters and figures, to wit:

HEADQUARTERS IN THE FIELD, August 29, 1862—4.30 p. m.

Major-General PORTER:

Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves, and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,

Major-General, Commanding.

Which said order the said Major-General Porter did then and there disobey, and did fail to push forward his forces into action either on the enemy's flank or rear, and in all other respects did fail to obey said order. This at or near Manassas, in the State of Virginia, on or about the 29th of August, 1862.

General LOGAN insists that Longstreet was not in Porter's front, and that he could easily have complied with the order and attacked the enemy's flank and rear. He says:

General Grant says: "And now it is known by others, as it was known by Porter at the time, that Longstreet, with some 25,000 men, was in position confronting Porter by 12 o'clock on the 29th of August, four and a half hours before the 4.30 order was written."

Upon what this statement of General Grant is based it is impossible for me to understand. In the first place Porter did not know that Longstreet was there with 25,000 men, nor did he know, unless he made a false statement, anything about the force, except what General McDowell told him was his information received from General Buford. Nor was Longstreet confronting Porter. He was two and a half miles away from Porter; was not on the same road that Porter was, but was forming west of the old Manassas Railroad, on Pageland Lane, to the right rear of Jackson's forces, fronting the forces under Pope, on Pope's left flank, that were then attacking Jackson. His front was entirely in a different direction from Porter.

The evidence is so clear that General LOGAN is mistaken regarding this matter that I might be excused if I did not sustain the assertion by reading evidence upon the subject.

General Robert E. Lee says:

Longstreet's command arrived within supporting distance of Jackson the 29th of August, 1862, between 9 and 10 a. m., and his lines were formed by noon.

General Longstreet says:

My command arrived 9 a. m., the 29th August, near Groveton. * * * My

command was deployed in double lines for attack between 10 a. m. and 12 m. on the 29th, extending from Jackson's right across the turnpike and Manassas Gap Railroad. * * * My command was ready to receive any attack after 11 a. m., and we were particularly anxious to bring on the battle after 12 m., General Lee more so than the rest.

What I have just read is from letters written by these officers since the war closed.

To show that their memory was correct, I will now read extracts from official reports which were indited while these events were transpiring.

I will first read extracts from a letter written by General Lee to President Davis :

HEADQUARTERS ARMY OF NORTHWESTERN VIRGINIA,
Chantilly, Va., September 3, 1862.

MR. PRESIDENT: My letter of the 30th ultimo will have informed your excellency of the progress of this army to that date. General Longstreet's division, having arrived the day previous, was formed in order of battle on the right of General Jackson, who had been engaged with the enemy since morning, resisting an attack commenced on the 28th. The enemy on the latter day was vigorously repulsed, leaving his numerous dead and wounded on the field. His attack on the morning of the 29th was feeble, but became warmer in the afternoon, when he was again repulsed by both wings of the army, his loss on this day, as stated in his published report, herewith inclosed, amounting to 8,000 killed and wounded.

I have the honor to be, very respectfully, your obedient servant,

R. E. LEE. *General.*

To His Excellency JEFFERSON DAVIS,
President Confederate States of America.

I will now read an extract from the

REPORT OF LIEUTENANT HAZLETT

who commanded the battery in Pope's army :

MINOR'S HILL, VA., September 3, 1862.

Captain MARTIN, *Chief of Division Artillery :*

We took up a position on an eminence * opposite to where the enemy were ascertained to be, and in a short time they opened on a column of our infantry with one gun, a 6-pounder. We replied, but with what effect could not be ascertained, as the enemy were concealed in the woods. The enemy kept up their firing for a very short time, none of their shots reaching us, and then ceased, but shortly after opened upon us again with two rifled guns, one of them being a 10-pounder Parrott. None of their shots took effect in the battery, though some of the infantry some distance in the rear were injured by ricochet shots. At this same time clouds of dust were seen rising in woods near the enemy's batteries. I directed part of the guns of the battery on this dust and part on the enemy's batteries. The effect of none of these shots could be seen for the woods, but shortly after a large column of infantry† appeared in an opening in the woods, on which the guns, which could see into this place, were immediately turned with very good effect, as the shells could be seen

* Dawkins Branch.

† Longstreet's.

bursting directly in the column, which broke and ran into the woods for shelter, but soon again formed, only to be again dispersed.

* * * * *

Very respectfully, your obedient servant,

CHAS. E. HAZLETT,
First Lieutenant, Fifth Artillery.

The report of General M. D. Corse, in whose brigade these shot fell, corroborates the statement of Lieutenant Hazlett.

Lieutenant Hazlett also made a report to Captain Perkins, assistant adjutant-general, an extract from which I will read :

The effect of our firing on their artillery could not be ascertained, *but several times their infantry made their appearance*, when the effect of our fire on them was plainly visible, causing them to break and seek shelter out of sight.

From an array of *evidence which cannot be refuted*, the advisory board found and asserted (see page 1710) :

The fact is that Longstreet with *four* divisions of full 25,000 men was there on the field before Porter arrived with his two divisions of 9,000 men ; that the confederate general-in-chief was there in person at least two or three hours before the commander of the Army of Virginia himself arrived on the field, and that *Porter with his two divisions saved the Army of Virginia that day from the disaster naturally due to the enemy's early preparation for battle.*

This and much other conclusive evidence to the same effect is now available to every one, and it shows beyond question that Porter could not, at 6 o'clock, when he received the order, have attacked Jackson's flank or rear. It shows he could not have done so at 4.30 when the order was written, nor for five hours prior to 4.30.

Therefore, yielding every other point for the present, Porter was excused from any effort at executing the 4.30 order, because it was absolutely impossible for him to have done so. He was two miles and a half from Jackson's flank ; the country was rugged and ditches and other obstacles intervened, and in addition the presence of Longstreet with 25,000 men was a conclusive obstacle.

The distinguished writer of the Tribune article, apparently finding that he could not maintain the position that Porter could have attacked Jackson's flank, changes his line of argument and attempts to show that even under such a state of facts Porter was wrong.

He says :

Thus General Grant puts Porter squarely in front of Longstreet with his 25,000 men, and says that he could not have obeyed the order without first whipping Longstreet's 25,000 with 10,000 men.

General LOGAN, then, arguing from General Grant's standpoint, says:

He was only required to attack the right flank of the enemy, and the right flank of the enemy was the right flank of Longstreet's command. He was part of the enemy, his flank being in the direction of Porter.

General Grant says: "He was three miles away from Jackson's flank."

If so, then why not attack Longstreet, whose flank was sticking out in air where Porter could have attacked it, as it was the only flank that presented itself where he could attack? How, then, was he to construe the order? Was he to order his men to attack Jackson when the order did not say so? Was he to say, "Longstreet's flank is sticking out there; I can see it; but I am not to attack that; he is not the enemy; the order says to attack the enemy?" Will he say that does not mean to attack Longstreet?

This is the logic of General Grant's position.

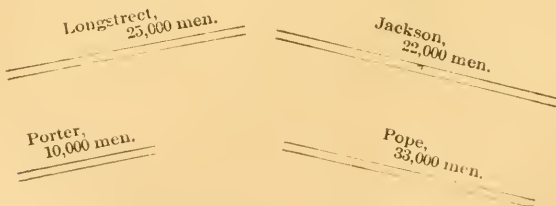
General Grant also assumes that to have attacked under that order would have taken Porter until 9 o'clock, inasmuch as he would have to make disposition of some of his troops, issue orders, &c.

Now, admitting, for the sake of argument, that it was received as claimed, I will explain why General Porter could not have complied with the 4.30 order by an attack on General Longstreet's flank and rear as urged by General LOGAN.

The very order we are considering directed something besides an attack on the enemy's flank and rear. It directed Porter to keep his "right in communication with General Reynolds;" also to keep "well closed to the right all the time."

And, again, the same order closed with an admonition that, if compelled to fall back, to keep "in close communication with the right wing."

Now I submit this diagram which proves that an effort to attack Longstreet's right would have cut Porter loose from Pope, and he could not have complied with the three last imperative injunctions of the 4.30 order.



These points having been disposed of,

THE ASSAILANTS OF GENERAL PORTER MAKE A NEW ATTACK.

One justification for Porter not attacking pursuant to the 4.30 order is this:

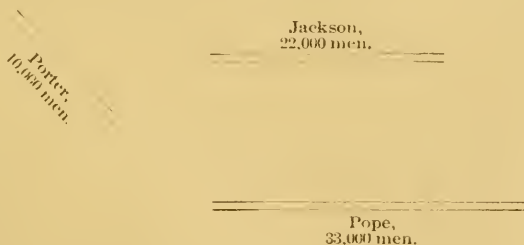
That General Pope issued the order under a wrong impression of the status, that is to say, Pope ordered Porter to attack Jackson's right flank, under the impression that Longstreet did not intervene.

Porter's assailants say we have no right to any such assumption. They say, admitting it to be established that Longstreet was in front of Porter at 11 a. m., we must assume that Pope knew it, and therefore we must assume that when he issued the order for Porter to attack the enemy's flank, he intended him (Porter) to attack the flank of General Longstreet.

To show the error of this position it is only necessary to again allude to what I have just shown. If General Pope had intended Porter to attack Longstreet he would not have added the requirement for him to keep "well closed to the right all the time."

But there is other incontrovertible evidence that General Pope did not know that Longstreet was on Jackson's right and in Porter's front.

The evidence of the prosecuting witness who testified on the trial of General Porter in 1862 was such that the majority of the court saw fit to find that at 4.30 o'clock on the 29th the position of the two armies was substantially as shown by this diagram:



and it also appears that they saw fit to find that Longstreet was at least twenty-four hours' march distant.

That General Pope regarded the status at 4.30 as is shown by the diagram is further proven by his joint order to McDowell and Porter, received by Porter about noon on the 29th.

In this order General Pope said:

The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day.

We thus see that on the 29th Pope thought Longstreet was marching at a pace which would bring him on the field on the night of the 30th or on the following day (the 31st).

General Pope also said in the order:

The enemy is massed in the woods in front of us.

Bear in mind that he says "the enemy."

As there was no pretense that Longstreet was massed in front of Pope, and as he alludes to no other force of the enemy being near, he must have supposed such to have been the fact. In addition to all this General Pope testified, December 4, 1862:

Had General Porter fallen upon the flank of the enemy, as it was hoped, at any time up to 8 o'clock that night, it is my firm conviction that we should have destroyed the army of Jackson.

Again he testified, December 6, 1863:

General Porter was expected to attack if possible—and as I understood it to be practicable—the right flank of Jackson's forces, and if possible the rear of his forces, to prevent, if it were practicable, the junction of Longstreet's forces with Jackson's, and to crush Jackson's flank before Longstreet could effect a junction with him. I did not then believe, nor do I now believe, that at that time (4.30 p. m.) any considerable portion of Longstreet's corps had reached the vicinity of the field. I do not know that General Porter, between 5.30 p. m. and 7 o'clock, had the enemy immediately in his front, though I would think it altogether likely that *Jackson* would have pushed out some force to observe the road between Gainesville and Manassas Junction. It is altogether likely, therefore, that some of *Jackson's* troops were in presence of General Porter's advance, though of my own knowledge I do not know that.

It is hard to conceive how the most prejudiced mind could want anything further on this subject, but I will add one word from no less a distinguished soldier than General and Ex-President Grant, who said:

But, even if the position of Lee's army had been thirty-six to forty-eight hours distant, as asserted in the joint order to McDowell and Porter, it would have been impossible for Porter to have obeyed the 4.30 order, because it did not contemplate a night attack, and was not received by Porter until about dark. To have obeyed it would have required some little preparation, movement of troops, and distribution of orders, so that it would have been some time after dark before he could have moved from the position he was then occupying, and at least as late as 9 o'clock at night before he could have reached Jackson's flank to engage it. His efforts to execute the order, notwithstanding its apparent inappropriateness, demonstrate this assertion.

I feel, with all this proof, that no one will any longer contend that General Porter was in any way censurable for anything connected with the 4.30 order, of which so much has been said.

Yet in the face of all this General LOGAN says:

At 5 o'clock (one hour later) General Porter received the "4.30 order" to attack the enemy's right and rear at once. At this very moment when he was ordered to attack, the larger portion of Longstreet's forces were engaged against Pope's forces in front of Jackson, leaving but a small force back under Longstreet for the protection of the flank of the army.

It is clear that there is error in the statement that Porter received this order at *five o'clock*. It was written at 4.30, and copies taken of it, and it was carried five and a half miles.

It was *positively proven before the Schofield* board that this order was not received by Porter until after 6 p. m.

In fact, General McDowell there produced a dispatch from Porter, dated 6 p. m., which shows that Porter had not received the order at that hour. Porter claimed and proved in his defense to the same effect on the trial in 1862, but the court disregarded this testimony.

I here call attention to the difficulty experienced by Porter's assailants in fixing the locality of Longstreet's corps at this hour. One witness puts him thirty-six hours' march from Jackson's right flank, another puts him near Gainesville, another to the right and rear of Jackson, another directly on Jackson's right, and here we have the remarkable assertion that at this hour "Longstreet's forces were engaged against Pope's forces in front of Jackson."

Does he mean to say that Longstreet was in front of and between Jackson's and Pope's forces?

All accounts say both Jackson's and Pope's troops were firing.

If it was true that Longstreet was between the two, receiving fire from both front and rear, some report of the many officers engaged would have alluded to it, and our first information upon this subject would not have been found in a letter to a Chicago paper twenty years after these events transpired.

GENERAL LOGAN'S REMARKS ON NAPOLEON'S LEADING MAXIM EXAMINED.

Having in the beginning of these remarks read some uncontroverted maxims, I will, now, Mr. Speaker, allude to that maxim of war enunciated by the author of the article in the Chicago Tribune, and

I beg to state that I make no criticism upon the very creditable military career of this distinguished soldier.

The history of General LOGAN evidences that he never failed to conform to the military maxims I have cited, and I am justified in giving this as one of the reasons for his remarkable and successful career; and while facts show that General LOGAN at the head of an army in battle was right in the theories he put in practice, I must at the same time insist that the same eminent American, while in the heat of debate, allows his enthusiasm to carry him away, and thus cause him to announce principles that are clearly wrong.

In the published argument, he does not allude to the maxims I have quoted, but gives this as

NAPOLEON'S LEADING MAXIM:

One of the great leading maxims in Napoleon's military experience—you will find it in all his campaigns and it was a standing order to all his corps commanders—was that when the general of the army was not present to give orders, each corps commander should march to the sound of the enemy's guns. That was a general order in all his campaigns.

In reply, I beg to state that I have searched in vain to find any such principle laid down as a maxim of Napoleon.

Maxim, as defined by Webster:

A MAXIM is a guiding principle, ever to be received and admitted in the practical concerns of life.

Also, continues Mr. Webster:

The greatest sentiment, sentence, proposition, or axiom, *i. e.*, of the greatest weight or authority. An established principle or proposition; a condensed proposition of important practical truth: an *axiom* of practical wisdom.

Axiom, as defined by Webster, is:

An established principle in some art or science.

As defined by Worcester:

A self-evident truth or proposition; an established principle not requiring proof.

This idea of marching to the sound of guns very probably arose in this way: When a boy, I, in company with our many patriotic citizens, on every Fourth of July morning, hastened to the *point where we heard the sound of guns*, and after the exhaustion of all available ammunition, as well as the strength of the cannoneers, we listened to what is called

in which, of course, much was said of Washington, Napoleon, and other distinguished gentlemen.

No doubt General LOGAN's experience was very like mine in this respect, which may account for the apparent confusion of war speeches with war principles. I admit that when I read what is alleged to be a Napoleonic maxim, it sounded so familiar and patriotic that I was obliged to reflect for a moment before I could see the objections to adopting it as a military maxim.

The very definition of the word *maxim* shows that for a proposition to become such it must be one that will hold good under all circumstances, and not a proposition which could, with propriety, only sometimes be adopted. In illustration, I recall this incident: A young physician determined to practice from personal experience. His first patient recovered rapidly from pneumonia, and learning that he had eaten freely of pork and beans, he writes in his note-book:

"*For pneumonia—pork and beans,*" and adopting this as a medical maxim, he prescribed the same diet for his next pneumonia patient. The very prompt death of the sufferer embarrassed the young doctor, and below the former entry he wrote: "*For pneumonia: Pork and beans sometimes.*" We all admit that to "march to the sound of the enemy's guns" would sometimes be a very good movement. It was the proper thing for Gronchy at 11 a. m., June 18, 1815, but it would not do to make this an invariable rule.

We are all familiar with the fact that the sound of guns is loudest where there is the most artillery, and that strong redoubts are frequently built where batteries are congregated.

We are also familiar with the fact that prudent commanders keep heavy reserves to defend concentrated artillery; therefore to "march to the sound of the enemy's guns" would sometimes involve an attack upon the very strongest and possibly impregnable positions, and it must be remembered that

NAPOLEON MODESTLY SUGGESTED

the propriety of seeking to pierce lines at the weakest, not the strongest point.

Again, if we admit this to be a maxim, let us see to what it might lead.

If you, Mr. Speaker, were commanding an army and knew your adversary would follow this alleged maxim, would you not be induced to cause the *sound* of *guns* at a point where an attack would be least detrimental to your army?

Now, if in future, our military gentlemen in following the “march-to-the-sound-of-the-enemy’s-guns” maxim, should strike an impregnable position, much as mankind is dazzled by the display of heroic courage, would not we all, even General LOGAN, while witnessing the terrible shock and inevitable recoil of broken, shattered, and decimated columns, involuntarily exclaim: It is magnificent, but it is not war? Or if a cunning foe by the sound of guns should lure us from the point we should attack, would we not finally be compelled to modify this proposition so that it would read “march to the sound of the enemy’s guns” *sometimes*, and having done this, the proposition would no longer be a maxim, and much less a Napoleonic maxim?

I beg here to be permitted to suggest that “to always, in the absence of orders, march to the sound of the enemy’s guns” is not a maxim, for the reason that it conflicts with several *undisputed maxims which were enunciated and adhered to by Napoleon*.

1.

It would conflict with the maxim which directs corps commanders—

To profit boldly by every opportunity.

2.

And which admonishes them that—

The lost moment never returns.

3.

And which commands them to seize—

A moment in battle when the smallest manœuver decides superiority.

4.

And which commands them—

To manœuver to engage fractions of the hostile armies.

5.

And which commands them —

To throw the mass of their forces upon the decisive point

These purposes and many others essential to success might or might not be attained by "marching to the sound of the enemy's guns."

There is another, the sixteenth, maxim of Napoleon :

It is an approved maxim of war never to do what the enemy wishes you to do, for this reason alone: that he desires it.

To march to the sound of his guns might be just what the enemy wished. I will also read Napoleon's tenth maxim:

When an army is inferior in numbers, inferior in cavalry, and in artillery, it is essential to avoid an action.

For commanders of divisions and corps of such an army to "march to the sound of the enemy's guns" might seriously conflict with this maxim.

I might continue this investigation through very many of the remaining seventy-eight maxims of Napoleon, but I will conclude by remarking that as this supposed maxim, "march to the sound of the enemy's guns" was made the basis and foundation and starting point of all the voluminous arguments against General Porter, and as we have clearly demonstrated that it is not, never was, and never can be either a maxim or an axiom of war, much less a Napoleonic maxim, and still much less (as claimed by the prosecution) Napoleon's leading maxim, let me ask, Mr. Speaker, is there any foundation upon which the fabric of the opposing argument can stand?

It is evident, as before stated, that the commanding general cannot be at the head of every corps "to profit boldly by every opportunity." If he cannot do it, and corps commanders are simply to literally obey orders, how then are they to take advantage of those "moments in battles which never return to be profited by?"

I think, Mr. Speaker, that what I have said explains that "to profit boldly by every opportunity" corps and division commanders must often strike when, in their discretion and judgment, circumstances make it advisable. This must be done with orders or without orders.

If a corps commander is right in attacking without orders, so he must in his discretion

DISSENT FROM ATTACKING.

even though ordered by his commander to do so.

If the army commander is fully possessed of all the facts—if he is fully apprised of the military status, and with that knowledge issues

an order, it would be hard to justify a subordinate officer who hesitates to obey. A case of that character comes to my mind.

General Reille commanded Napoleon's largest corps. He was with the Emperor early on the morning of June 16, from whom he received *orders to march with Ney to Quatre Bras.* Reille was fully apprised of Blücher's position, and thought it strange that the attack upon the Prussians was delayed. He knew fully the plans of battle for both Ligny and Quatre Bras. His duty was to fight under Ney and attack the force Wellington had thrown forward from Brussels. Written orders show that early on the 16th Soult ordered Reille to report to Ney.

At 9 a. m. Ney is ordered to combine the corps of D'Erlon, Reille, and Kellermann and move on the enemy in front of Quatre Bras.

At the same time Napoleon wrote amplifying the instructions, both of which letters Ney received at 11 a. m., and immediately sent orders directing the rapid march of these troops. At 10 a. m. Napoleon's orders were repeated and received by Ney at 11.30, but he had previously received dispatches from Reille, dated Gosselies, 10.15 a. m., stating that in consequence of Prussian forces at Fleurus, he would not move until further orders from Ney. This helped to delay Ney's attack until after 2 o'clock.

Had he made the attack two hours earlier, he would have easily driven every opposing force beyond the heights of Mount St. Jean, and the battle of the 18th would have been fought nearer Brussels and on less favorable ground for the allies.

General Reille has never been blamed for this very brief delay.

I say he did wrong, because he knew Napoleon was to attack Blücher near Fleurus. He was marching to Genappe under orders received from Napoleon and reiterated by Ney, and information received from General Gérard, of facts which Reille knew, and which Napoleon certainly knew when he gave Reille his orders, was no justification for a moment's delay. *If General Reille was not censured for delay in that case, then how entirely justifiable was Fitz-John Porter.*

The proof shows that during all this campaign there was but one order that Porter hesitated a moment in obeying. It also shows that immediate compliance with the order was impossible, and that he did immediately comply, by taking measures to prepare the road so that he could march on it.

I therefore say that he gave immediate intelligent compliance with the order, and that this so-called delay was based on the best of judgment, and resulted favorably, while Reille's delay was unwarranted by the facts, and, if I am correct, in its effect on Ney it was the beginning of the events which changed Waterloo from victory to defeat; and since I have touched upon this matter, I will give the most noted instance I can recall of literal, instead of intelligent, obedience to the orders of a commanding general.

NAPOLEON AND GROUCHY.

I select this because the superior genius of Napoleon so overshadows all others that if any such case could arise this certainly would be the one where a blind literal obedience of orders could be justified. At the risk of being tedious, I will recite sufficient of the events which preceded June 18, 1815, to illustrate what I believe all will admit was the duty of Marshal Grouchy upon that eventful day.

Napoleon landed in France March 1, 1815. He marched in triumph to Paris and assumed the government on March 13; he proceeded to establish his power at home; to create armies and war material; to restore the broken finances; to re-establish so far as possible the diplomatic relations.

FORCES AT WATERLOO.

On June 1, the allied armies menacing France were:

Anglo-allied army, under Wellington	104, 710
Prussian army, under Blucher	116, 897
German corps d'armée, under Kleist	26, 200
Army of the Upper Rhine, under Schwartzenberg	254, 492
Russian army, under Barclay de Tolly	167, 950
Army of Italy, under Frimont	60, 000
Total allied armies in the field, June, 1815	730, 249

Wellington was the recognized leader of the combined forces.

Napoleon had not more than 200,000 men in all the armies of France.

His forces were:

Grand army, under the Emperor	116, 801
Army of the Rhine, under Rapp	35, 000
Army of the Alps, under Suchet	15, 000
Army of the Jura, under Lecourbe	4, 500
Army of the Var, under Brune	5, 300
Army of the Eastern Pyrenees, under Decaen	3, 000
Army of the Western Pyrenees, under Clauzel	3, 000
Army of La Vendée, under Lamarque	16, 000
	<hr/>
	198, 601

April 1, Napoleon's circular letter to the sovereigns of Europe appealing for peace, commencing "Sire, my brother !" had been received, only to be ignored.

There was no way to defend but by attack, and the Emperor determined to fall upon the nearest advance of the menacing armies, which were upon the Belgian frontier.

He caused the election of deputies to the Chamber of Representatives. This body convened, and it was soon evident that there was not only a lukewarm support, but that there was an evident determination to throw obstacles in the way of the Emperor's ambition.

On June 11, Napoleon issued a moderate but earnest farewell address to the deputies, appointed his brother Joseph president of a provisional government, before daylight on the 12th left Paris, and on the 14th reached the theater of war in Belgium, making his first halt at Beaumont, about fifty-three miles from Brussels, the headquarters of Wellington, and about forty-two miles from Namur, where Blucher was located. Zieten's large corps was at Charleroi, but eighteen miles from Beaumont.

When Napoleon arrived he found about 60,000 of his men in front of Beaumont about 14,000 to the right or southeast, and about 40,000 on the Sambre to the left of Beaumont.

Though physically indisposed, Napoleon directed in person the preparation for the movement of the several corps. By daylight on the 15th, Prince Jerome struck the enemy's outpost at Thurin, and General Pajol, commanding the first corps of cavalry, fought for two miles, from Marchiennes to Charleroi.

This point was thirty-five miles from Brussels, and twenty-four miles from Namur. Namur is thirty-five miles from Liege, where Bulow was located, and twenty miles from Ciney, the headquarters of Thielmann.

I will here give in detail the organization and strength of the two opposing armies:

ALLIED ARMY UNDER THE DUKE OF WELLINGTON.

FIRST CORPS.—The PRINCE OF ORANGE.

FIRST DIVISION, Major-General COOKE.

	Men.
First British Brigade, Major-General Maitland.....	1,997
Second British Brigade, Major-General Sir John Byng.....	2,064
	<hr/>
Artillery, Lieutenant-Colonel Adye.	4,061

THIRD DIVISION.—LIEUTENANT-GENERAL COUNT ALTEN.

Fifth British Brigade, Major-General Sir Colin Halkett	2,254	
Second Brigade, King's German Legion, Colonel von Ompteda.....	1,527	
First Hanoverian Brigade, Major-General Count Kielmansegge ...	3,189	6,970
Artillery, Lieutenant-Colonel Williamson.		

SECOND DUTCH-BELGIAN DIVISION.—LIEUTENANT-GENERAL BARON DE PERPONCHER.

First Brigade, Major-General Count de Bylandt	3,233	
Second Brigade, H. S. H. Prince Bernhard, of Saxe-Weimar.....	4,300	7,533
Artillery, Major von Opstal.		

THIRD DUTCH-BELGIAN DIVISION.—LIEUTENANT-GENERAL BARON CHASSE.

First Brigade, Major-General Ditmars	3,088	
Second Brigade, Major-General d'Aubreme	3,581	6,669
Artillery, Major Van der Smissen.		
Total First Corps, guns 48; men		25,233

This corps was stationed as follows:

Quatre Bras, Nivelles.

Roenlx to Binche.

Soignies to Roenlx, Braine Enghieu.

SECOND CORPS.—LIEUTENANT-GENERAL LORD HILL.

SECOND DIVISION.—LIEUTENANT-GENERAL SIR H. CLINTON.

Third British Brigade, Major-General Adams	2,625	
First Brigade King's German Legion, Colonel du Plat.....	1,758	
Third Hanoverian Brigade, Colonel Hew Halkett	2,454	6,837

Artillery, Lieutenant-Colonel Gold.

FOURTH DIVISION.—LIEUTENANT-GENERAL CHARLES COLVILLE.

Fourth British Brigade, Colonel Mitchell	1,767	
Sixth British Brigade, Major-General Johnston.....	2,396	
Sixth Hanoverian Brigade, Major-General Sir James Lyon.....	3,049	7,212

Artillery, Lieutenant-Colonel Hawker.

FIRST DUTCH-BELGIAN DIVISION.—LIEUTENANT-GENERAL STEPMAN.

First Brigade, Major-General Hanw.....	}	6,389
Second Brigade, Major-General Berens.....		
Artillery.....		
Dutch-Belgian Indian Brigade, Lieutenant-General Antling.....		3,583
Detachments, &c.....		16
		<hr/>

Total Second Corps, guns 40; men

This corps was stationed as follows: Ath, Oudenarde, road of Grammont to Ghent, thence to Alost.

RESERVE.

FIFTH DIVISION.—LIEUTENANT-GENERAL SIR THOMAS PICTON.

Eighth British Brigade, Maj. Gen. Sir James Kempt	2,471	
Ninth British Brigade, Maj. Gen. Sir Dennis Pack	2,173	
Fifth Hanoverian Brigade, Colonel Von Vincke	2,514	7,158

Artillery, Major Heisse

SIXTH DIVISION.—Lieutenant-General Hon. Sir L. COLE.

Tenth British Brigade, Maj. Gen. Sir John Lambert.....	2,567	
Fourth Hanoverian Brigade, Colonel Best	2,582	
		5,149
Artillery, Lieutenant-Colonel Bruckmann.		
British Reserve Artillery, Major Drummond.		

SEVENTH DIVISION.

Seventh British Brigade	1,216	
British garrison troops	2,017	
		3,233

BRUNSWICK CORPS.—H. S. H. the DUKE OF BRUNSWICK.

Advanced guard, Major von Rauschenplat	672	
Light Brigade, Lieutenant-Colonel von Buttler	2,688	
Line, Lieutenant-Colonel von Specht	2,016	
		5,376
Artillery, Major Mahn.		

HANOVERIAN RESERVE CORPS.—Lieutenant-Colonel von der DECKEN.

First Brigade, Lieutenant-Colonel von Eenningsen	9,000	
Second Brigade, Lieutenant-Colonel von Beaulieu		
Third Brigade, Lt. Col. von Bodekin		
Fourth Brigade, Lieutenant-Colonel von Wissel		
Nassau Contingent, General von Kruse		2,880

Total reserve, guns 64: men..... 32,796

This corps, together with the Brunswick Cavalry, was stationed around Brussels.

CAVALRY.—Lieutenant-General the EARL OF UXBRIDGE, British and King's German Legion.

First (household) Brigade, Maj. Gen. Lord E. Somerset.....	1,286	
Second (Union) Brigade, Maj. Gen. Sir W. Ponsonby	1,181	
Third Brigade, Maj. Gen. Sir W. Dornburg.....	1,268	
Fourth Brigade, Maj. Gen. Sir J. Vandeleur.....	1,171	
Fifth Brigade, Maj. Gen. Sir C. Grant.....	1,336	
Sixth Brigade, Maj. Gen. Sir H. Vivian.....	1,279	
Seventh Brigade, Col. Sir F. von Arentsschildt.....	1,012	
		8,473

Six British horse batteries attached to the cavalry.

HANOVERIAN.

First Brigade, Colonel Von Estorff.....	1,682	
Brunswick cavalry.....	922	
		2,604

DUTCH-BELGIAN.

First Brigade, Major-General Trip.....	1,237	
Second Brigade, Major-General De Chigney	1,086	
Third Brigade, Major-General Van Merlen.....	1,082	
		3,405

Artillery.

Total cavalry, guns 44, men..... 14,482

The main body of the cavalry was at Grammont and Ninove.

Two brigades were thrown forward from Roenlx to Mons and one brigade was still further thrown forward opposite to Manbenge and Beaumont.

ARTILLERY.

British, 10 foot batteries; guns, 54; men	3, 630
British, 8 horse batteries; guns, 48; men	1, 400
	<hr/>
	5, 030
King's German Legion, 1 foot battery; guns, 6; men	} 526
King's German Legion, 2 horse batteries; guns, 12; men	
Hanoverian, 2 foot batteries; guns, 12; men	465
Brunswick, 1 foot battery; guns, 8; men	} 510
Brunswick, 1 horse battery; guns, 8; men	
Dutch-Belgian, 4 foot battery; guns, 32; men	968
Dutch-Belgian, 2 foot battery; guns, 16; men	667
	<hr/>
	1, 635
	<hr/>
Total artillery guns, 196; men	8, 166

PRUSSIAN ARMY.—FIELD MARSHAL PRINCE BLUCHER VON WAHLSTADT.

FIRST CORPS—Lieutenant-General von ZIETEN, headquarters Charleroi.

First Brigade, General von Stemmetz	8, 647
Second Brigade, General von Pirch II.	7, 669
Third Brigade, General von Jagow	6, 853
Fourth Brigade, General von Henkel	4, 721
	<hr/>
	27, 887

RESERVE CAVALRY—Lieutenant-General von RÖDER.

Brigade of General von Treskow	} 1, 925
Brigade of Lieutenant-Colonel Lutzow	

RESERVE ARTILLERY.—Colonel von LEHMANN.

Eight foot batteries	} 1, 019
One howitzer	
Three horse	
	<hr/>
Total First Corps	30, 831

SECOND CORPS.—General von PIRCH, headquarters Namur.

Fifth Brigade, General von Tippelskirchen	6, 851
Sixth Brigade, General von Kraft	6, 469
Seventh Brigade, General von Brause	6, 224
Eighth Brigade, Colonel von Langen	6, 292
	<hr/>
	25, 836

RESERVE CAVALRY.—General von JURGRASS.

Brigade of Colonel von Thumen	} 4, 468
Brigade of Colonel Count Schulenburg	
Brigade of Colonel von Sohr	

RESERVE ARTILLERY.—Colonel von ROHL.

Seven foot batteries	}	1,454
Three horse batteries		
Total Second Corps, guns, 80; men		31,758

THIRD CORPS.—Lieutenant General von THIELMANN, Headquarters, Ciney.

Ninth Brigade, General von Boreke	6,752
Tenth Brigade, Colonel von Kumpfen	4,045
Eleventh Brigade, Colonel von Luck	3,634
Twelfth Brigade, Colonel von Stulpnagel	6,180
	20,611

RESERVE CAVALRY.—General von HOBE.

Brigade of Colonel von der Marwitz	}	2,405
Brigade of Colonel Count Lottom		

RESERVE ARTILLERY.—Colonel von MOHNHAUT.

Three foot batteries	}	
Three horse batteries		
Total Third Corps, guns 48, men		23,980

FOURTH CORPS.—General COUNT BULOW VON DENNEWITZ, Headquarters, Liege.

Thirteenth Brigade, Lieutenant-General von Hacke	6,385
Fourteenth Brigade, General von Ryssee	6,953
Fifteenth Brigade, General von Loshin	5,881
Sixteenth Brigade, Colonel von Hiller	6,162
	25,381

RESERVE CAVALRY.—General PRINCE WILLIAM of Prussia.

Brigade of General von Sydow	}	3,081
Brigade of Colonel Count Schwerin		
Brigade of Lieutenant-Colonel von Watzdorf		

RESERVE ARTILLERY.—Lieutenant-Colonel von BARDELEBEN.

Eight foot batteries	}	1,866
Three horse batteries		
Total Fourth Corps, guns 88; men		30,328

Grand total of allied army.

	Infantry.	Cavalry.	Artillery.	Guns.
British	23,543	5,913	5,050	102
King's German Legion	3,301	2,560	526	18
Hanoverian	22,788	1,682	465	12
Brunswick	5,376	922	510	16
Nassau	2,680			
Dutch-Belgian	24,174	3,405	1,635	48
First Prussian Corps	27,817	1,925	1,019	96
Second Prussian Corps	25,836	4,468	1,454	80
Third Prussian Corps	20,611	2,405	964	48
Fourth Prussian Corps	25,381	3,081	1,866	88
Total	181,777	26,361	13,469	508

SUMMARY.

Infantry	181, 777
Cavalry	26, 361
Artillery	13, 469
	<hr/>
	221, 607

NAPOLEON'S ARMY COMMANDED BY THE EMPEROR IN PERSON.

Second in command, Marshal NEY, Prince of Moskowa.

FIRST CORPS.—Lieutenant-General Count D'ERLON.

First Division, General Alix.....	}	17, 600
Second Division, General Donzelot.....		
Third Division, General Marcognet.....		
Fourth Division, General Durutte.....		
First Cavalry Division, Lieutenant-General Jaquinot.....		1, 400
Artillery.....		1, 564
		<hr/>
Total First Corps, guns, 46; men.....		20, 564

SECOND CORPS.—Lieutenant-General Count REILLE.

Fifth Division, General Bachelu.....	}	19, 435
Sixth Division, Prince Jerome Napolcon.....		
Seventh Division, General Girard.....		
Ninth Division, General Foy.....		
Second Cavalry Division, Lieutenant-General Piré.....		1, 868
		1, 861
		<hr/>
Total Second Corps, guns, 46; men		23, 161

THIRD CORPS.—Lieutenant-General Count Vandamme.

Tenth Division, General Hubert.....	}	13, 200
Eleventh Division, General Barthezene.....		
Eighth Division, General Lefol		
Third Cavalry Division, Lieutenant-General Domont.....		1, 400
Artillery.....		1, 292
		<hr/>
Total Third Corps, guns, 38; men		15, 892

FOURTH CORPS.—Lieutenant-General Count GERARD.

Twelfth Division, Lieutenant-General Pecheux.....	}	12, 100
Thirteenth Division, Lieutenant-General Vichery.....		
Fourteenth Division, General Hulot.....		
Sixth Cavalry Division, Lieutenant-General Morin.....		1, 400
Artillery.....		1, 292
		<hr/>
Total Fourth Corps, guns, 38; men		14, 792

SIXTH CORPS.—Lieutenant-General Count LOBAU.

Nineteenth Division, Lieutenant-General Simmer	}	9, 900
Twentieth Division, Lieutenant-General Jeannin		
Twenty-first Division, Lieutenant-General Teste.....		
Artillery.....		1, 292
		<hr/>
Total Sixth Corps, guns, 38; men		11, 192

IMPERIAL GUARD.—Commanded by Marshal MORTIER.*

Old Guard, Lieutenant-General Friant.....	4,000
Middle Guard, Lieutenant-General Morand.....	4,000
Young Guard, Lieutenant-General Dubesme.....	4,000
First Cavalry Division, General Guyot.....	2,000
Second Cavalry Division, General Lefebvre-Desnouettes.....	2,000
Artillery, General Devaux.....	2,400
Total Guard, guns, 96; men.....	18,400

RESERVE CAVALRY UNDER COMMAND OF MARSHAL COUNT DE GROUCHY.

FIRST CORPS.—Lieutenant-General PAJOL.

Fourth Cavalry Division, Lieutenant-General Soult.....	} 2,500
Fifth Cavalry Division, Lieutenant-General Subervie.....	
Artillery.....	300

SECOND CORPS.—Lieutenant-General EXCELMANS.

Ninth Cavalry Division, Lieutenant-General Stolz.....	} 2,500
Tenth Cavalry Division, Lieutenant-General Chastel.....	
Artillery.....	300

THIRD CORPS.—Lieutenant-General KELLERMANN.

Eleventh Cavalry Division, Lieutenant-General L'Heritier.....	} 3,300
Twelfth Cavalry Division, Lieutenant-General Roussel.....	
Artillery.....	300

FOURTH CORPS.—Lieutenant-General MILHAUD.

Thirteenth Cavalry Division, Lieutenant-General Wathier.....	} 3,300
Fourteenth Cavalry Division, Lieutenant-General Delort.....	
Artillery.....	300

Total Reserve Cavalry, guns 48; men..... 12,800

Grand Total.

	Infantry.	Cavalry.	Artillery.	Guns.
First Corps d'Armée.....	17,600	1,400	1,564	46
Second Corps d'Armée.....	19,435	1,865	1,861	46
Third Corps d'Armée.....	13,200	1,400	1,292	38
Fourth Corps d'Armée.....	12,100	1,400	1,292	38
Sixth Corps d'Armée.....	9,900	1,292	38
Imperial Guard.....	12,000	4,000	2,400	96
Reserve Cavalry.....	11,600	1,200	48
Total.....	84,235	21,665	10,901	350

SUMMARY.

Infantry.....	84,235
Cavalry.....	21,665
Artillery.....	10,901
	116,801

* Mortier stated he was ill on the 14th at Beaumont and retired from command.

Napoleon also had a corps of engineers with wagon-trains numbering about 5,000 men, which I do not include, nor have I included the engineers or wagon-trains of the allied army.

I give the figures of Napoleon's force as stated by those who argue against him and in favor of Marshal Grouchy, and who, as part of their argument, put Napoleon's forces as high as possible.

I have given the names of his corps and division commanders to show that but a small number of the greatest of his generals were with him. Very few of those leaders who had during his eighteen years of triumphs shared his world-wide renown, as participants in the victories he had won, were with him, and what was worse, nearly all his generals a year previous had left him with his fallen fortunes, and given unqualified adhesion to the Bourbon dynasty, and but three months gone had turned from their Bourbon masters to bow again at the shrine of the Imperial eagle, and undaunted genius of Napoleon.

The organization of the several brigades and divisions was changed, the old regiments were reformed, old numbers replaced, and eagles, which recalled past glories, were restored. While these changes tended to enthuse the troops, their advantage was in a measure neutralized by their placing troops under new commanders, and to a considerable extent separating soldiers who had learned by experience to rely upon each other.

These facts show that Wellington and Blücher had ample information regarding Napoleon's efforts. Surrounded by the embarrassments to which I have alluded, this great leader, on the 16th at the head of 69,000 men, consisting of the Guards and five corps, hurled himself against the corps of Zieten, Pirch, and Thielmann, in all, 86,560 men, under Field Marshal Prince Blücher, and after a terrific engagement, which lasted from noon until dark, the Emperor gained a complete victory, driving him from the field of Ligny, and inflicting upon him a loss which Blücher reported at 3,507 killed and 8,571 wounded, besides a great number of prisoners. At 2 o'clock the same day Marshal Ney, with 17,615 men, increased at 5 p. m. to 20,000, attacked the allied troops at Quatre Bras, on the road from Châleroi to Brussels, and by dark had won a victory, inflicting a loss on the enemy of 5,200 killed, wounded, and missing, and himself suffering a loss of 4,140 killed and wounded.

Now, suppose Napoleon's loss in killed and wounded to have been equal to that of Blücher, then his army after the engagement would be 100,583, while Wellington and Blücher had 203,829. But every one who has had experience in war knows that such conflict will reduce an army at least 10 per cent. in addition to casualties, caused by those who leave the field from fatigue, to care for the wounded, and from other less creditable reasons.

Therefore, the next day, the force may be said to have been, Wellington's 183,447, Napoleon's 90,425. No one knew better than Grouchy the critical position of the French army, and the necessity for most prompt and intelligent obedience to orders.

Even without orders he should have never ceased to press upon the retreating Prussians, at least he should have kept his advance within cannon range of their rear; but he attempts to justify this neglect by certain verbal orders which he says were given him by the Emperor, and which he contends were capable of being literally construed so as to justify his movements and marches with 34,000 men (more than one-third of Napoleon's force), and for half a century he has found those who sustain him.

GROUCHY LOSES FOR NAPOLEON AN EMPIRE BY LITERALLY OBEYING ORDERS.

Now admit for Grouchy all he desires and the verbal order he receives from Napoleon was:

1 P. M., JUNE 17.

Pursue the Prussians; complete their defeat by attacking them as soon as you come up with them, and never let them out of your sight. I am going to unite the remainder of this portion of the army with Marshal Ney's corps, to march against the English and to fight them if they should hold their ground between this and the forest of Soignies. You will communicate with me by the paved road which leads to Quatre Bras.

Also Grouchy's friends allege that Napoleon said to him:

The Prussians are put to rout, and are flying on the road to Namur and Liege.

Also that Grouchy appealed to the Emperor to allow him to march to Quatre Bras, and that Napoleon replied:

Marshal Grouchy: Proceed towards Namur, for according to all probability it is on the Meuse that the Prussians are retiring. It is then in this direction you will find them and that you ought to march.

Grouchy himself says:

The orders of Napoleon were, "Put yourself in pursuit of the Prussians, complete their defeat in attacking them as soon as you shall join them, and never lose sight of them. I am going to reunite to the corps of Marshal Ney the troops I

carry with me, to march upon the English and to fight them if they will stand this side of the forest of Soignies. You will correspond with me by the paved road which leads to Quatre Bras." I attest upon my honor that these were his own expressions, that I received no other instructions. * * *

Far from modifying his first orders, the Emperor corroborated them, saying :

Marshal, make your way to Namur, for it is on the Mense that, according to all probability, the Prussians are retiring; it is therefore in this direction that you will find them and in which you ought to march.

Now Grouchy also justifies himself because on June 17, Napoleon then en route to Quatre Bras, sent back a written order to Grouchy, which said :

March to Gembloux ; you will explore in the direction of Namur and Maestricht, and you will pursue the enemy—

And find out if the *enemy* are "separating from the English, or are bent on uniting with them to save Brussels and try the fate of another battle."

The order, it is claimed, was sent from Marbais, a little town half-way between Ligny and Quatre Bras, and Grouchy's friends also insist that when Napoleon sent the order he had information that the Prussians had passed Tilly, in the direct road to Wavre.

These orders Marshal Grouchy claims are his justification for moving his army to Gembloux, and a portion of it through and on to Sart-les-Walhain and Perwez, these movements extending into the night of the 17th, so that the rear did not reach Gembloux until as late as 10 p. m.

The march was fortunately only about eight miles for the most of the infantry and about fifteen for the advanced cavalry, which camped on the night of the 17th at Perwez.

After revolving these matters for four years, Marshal Grouchy published a work entitled "Observations sur la Relation de la Campagne de 1815, publiée par le Général Gourgard ; et Réfutation de Quelques-unes des Assertions d'Autres écrits relatifs à la Bataille de Waterloo. Par le Comte de Grouchy. A Paris. '1819," in which he says [page 12] :

I told him [Napoleon], that the Prussians had commenced their retreat the evening before at 10 o'clock, and so forth. These observations were not well received. He repeated to me the order which he had given me, adding that it was for me to discover the route taken by Marshal Blücher ; that he was going to fight the English ; that I ought to complete the defeat of the Prussians in attacking them as

soon as I should have joined them; and that I should correspond with him by the paved road, which leads from a point near where we were to Quatre Bras. Some moments of conversation which I had with the chief of staff [Soult] regarded only the detaching of certain of my troops which were to be sent to Quatre Bras. Such are, word for word, the only dispositions which were communicated to me, the only orders which I received.

Now take every assumption, just as Marshal Grouchy's *ex parte* statement would have us believe, and what is the attitude?

Six days before Napoleon was in Paris manipulating the wires of foreign and domestic diplomacy, creating and organizing armies, and in those six days he had traveled 150 miles, had conceived and partly executed a plan of campaign; he had fought and defeated Blücher, and then relying upon his generals to manage minor details, he had fallen exhausted, and was taking a little rest.

Grouchy was the commander of four army corps of cavalry, each one of which had a lieutenant-general.

No duty ever devolved on a general more imperative than now devolved upon Grouchy, and that duty was to press vigorously the rear-guard of each of Blücher's columns and dispatch Napoleon every hour of their location.

Grouchy should have known every movement of the enemy, and, in the very nature of military precedents, orders given to such a commander of cavalry would in all probability have been based upon information given by him to the Emperor.

If Napoleon gave any such orders as Grouchy alleges, it was Grouchy's fault and neglect that they were so given.

The orders, if given at all, were given upon incorrect information as to the enemy's movements; and Marshal Grouchy defends his march toward Namur and Liège solely upon the ground that *he complied literally with orders*.

We might have the miserable excuse for him that he did not know himself where the enemy was; but he deprives us of that by admitting that he knew at 2 o'clock on the 17th that the Prussian troops had gone through Tilly to Wavre, and he admits, too, that this was discovered by the Emperor and communicated to him. But, says the marshal of France, *I obeyed orders literally*, and, *although it cost an empire, I must be exonerated*.

Even upon Grouchy's own statement of the wording of the orders he received, it is very clear that he did not comply with them in the spirit intended by Napoleon.

This is conclusively shown by the correspondence between Marshal Grouchy and the Emperor, most of which was not published until years after the events transpired.

Before I read these letters, I want to call attention to the fact that Grouchy was in command of Napoleon's cavalry. It was his special duty to keep Napoleon informed regarding the position and movements of the enemy, and any orders given by Napoleon must have been based upon Grouchy's statements regarding Blücher's movements.

I will first read an order written before Napoleon left Ligny for Quatre Bras.

LIGNY, June 17, 1815.

March to Gembloux with Pajol's cavalry. * * * You will explore in the direction of Namur and Maestricht, and you will pursue the enemy; explore his march and instruct me as to his movements, so that I can find out what he is intending to do. I am carrying my headquarters to Quatre Bras, where the English still were this morning. Our communication will then be direct, by the paved road of Namur. If the enemy has evacuated Namur, write to the general commanding the second military division at Charlemont to cause Namur to be occupied by some battalions of the National Guard and some batteries of cannon which he will organize at Charlemont. He will give the command to some general officer.

It is important to find out what Blücher and Wellington are intending to do, and if they purpose to reunite their armies to cover Brussels and Liège in trying the fate of a battle. In all cases, keep constantly your two corps of infantry united in a league of ground, having several avenues of retreat, and post detachments of cavalry intermediate between us, in order to communicate with headquarters.

Dictated by the Emperor in the absence of the chief of staff.

The Grand Marshal, BERTRAND.

Marshal Grouchy replied to this order at 10 o'clock; I will give exact language.

To do him no injustice, I will first give his letter in French, and then give what I think is a correct translation.

Gembloux, le 17 Juin, à dix heures du soir.

Sire: J'ai l'honneur de vous rendre compte que j'occupe Gembloux et que ma cavalerie est à Sauvenières. L'ennemi, fort d'environ trente mille hommes, continue son mouvement de retraite; on lui a saisi ici un pare de 400 bêtes à cornes, des magasins et des bagages.

Il paraît d'après tous les rapports, qu'arrivés à Sauvenières, les Prussiens se sont divisés en deux colonnes; l'une a dû prendre la route de Wavre en passant par Sart-à-Wallain, l'autre colonne paraît s'être dirigée sur Perwez.

On peut peut-être en inférer qu'une portion va joindre Wellington, et que le centre, qui est l'armée de Blücher, se retire sur Liège; une autre colonne avec de l'artillerie ayant fait son mouvement de retraite par Namur, le Général Excelmans a ordre de pousser ce soir six escadrons sur Sart-à-Wallain et trois escadrons sur Perwez.

D'après leur rapport, si la masse des Prussiens se retire sur Wavre, je la sui-

vrai dans cette direction afin qu'ils ne puissent pas gagner Bruxelles, et de les séparer de Wellington.

Si, au contraire, mes renseignements prouvent que la principale force Prussienne a marché sur Perwez, je me dirigerai par cette ville à la poursuite de l'ennemi.

Les Généraux Thielman et Borstell faisaient partie de l'armée que Votre Majesté a battue hier; ils étaient encore ce matin à 10 heures ici, et ont annoncé que vingt mille hommes des leurs avaient été mis hors de combat.

Ils ont demandé en partant les distances de Wavre, Perwez, et Hannut.

Blucher a été blessé légèrement au bras, ce qui ne l'a pas empêché de continuer à commander après s'être fait panser.

Il n'a point passé par Gembloux.

Je suis avec respect, de Votre Majesté, sire, le fidèle sujet,

Le Maréchal Comte DE GROUCHY.

GEMBOUX, *June 17, 10 p. m.*

SIRE: I have the honor to report to you that I occupy Gembloux and that my cavalry is at Sauvenières. The enemy, about thirty thousand strong, continues its retreat. We have seized 400 head of cattle, some magazines, and baggage.

It appears from all the reports that, arriving at Sauvenières, the Prussians divided into two columns, one taking the route to Wavre, and passing by Sart-les-Walhain, the other seems directed upon Perwez.

It may perhaps be inferred that one part is going to join Wellington, and that the center, which is Blucher's army, is retiring on Liège; another column, with artillery having retreated by Namur, General Excelmans is ordered to push to-night six squadrons of cavalry on Sart-les-Walhain and three squadrons on Perwez. According to their report, if the mass of the Prussians retire on Wavre, I will follow in that direction to prevent their reaching Brussels, and separate them from Wellington. If, on the contrary, information shows that the principal Prussian force has marched on Perwez, I shall pursue the enemy towards that town.

The corps of Generals Thielman and Borstell formed part of the army which your Majesty vanquished yesterday. They were still here this morning at 10 o'clock, and announced that twenty thousand of their men were disabled. They inquired, on leaving, the distances of Wavre, Perwez, and Hannut. Blucher was slightly wounded in the arm, which did not prevent his resuming command, after having his wound dressed. He did not pass through Gembloux.

I am, respectfully, sire, your Majesty's faithful subject,

Marshal Count DE GROUCHY.

I now read two letters from Napoleon which show clearly that the verbal instructions, with which Grouchy seeks to screen his error, were accompanied by other words, explanatory of them, and showing that the order was strictly in accordance with the military principles which should have been followed by Grouchy:

EN AVANT DE LA FERME DE CAILLOU,
le 18 Juin, 1815, à dix heures du matin.

MONSIEUR LE MARÉCHAL: The emperor has received your last report, dated from Gembloux.

You speak to His Majesty of only two Prussian columns which have passed at Sauvenières and Sart-à-Walhain. Nevertheless, reports say that a third column, which was a pretty strong one, has passed by Gerry and Gentennes, directed on Wavre.

The emperor instructs me to tell you that at this moment His Majesty is going

to attack the English army, which has taken position at Waterloo, near the forest of Soignies. Thus His Majesty desires that you will direct your movements on Wavre, in order to approach us, to put yourself in the sphere [*en rapport*] of our operations, and keep up your communications with us; pushing before you those troops of the Prussian army which have taken this direction, and which may have stopped at Wavre, where you ought to arrive as soon as possible. You will follow the enemy's columns, which are on your right, by some light troops, in order to observe their movements and pick up their stragglers. Instruct me immediately of your dispositions and of your march, as also of the news which you have of the enemy, and do not neglect to keep up your communications with us. The Emperor desires to have news from you very often.

The Marshal DUKE OF DALMATIA.

18 Juni, une heure après midi.

MONSIEUR LE MARÉCHAL: You have written to the Emperor at three o'clock this morning that you would march on Sart-à-Wallain; your intention, then, is to go to Corbaix and Wavre. This movement is conformable to His Majesty's arrangements which have been communicated to you. Nevertheless, the Emperor orders me to tell you that you ought always to *manœuver in our direction*, and to *seek to come near to our army*, in order that you may join us *before any corps can put itself between us*. I do not indicate to you the direction you should take; it is for you to see the place where we are, to govern yourself accordingly, and to connect our communication so as to be always prepared to fall upon any of the enemy's troops which may endeavor to annoy our right, and to destroy them.

At this moment the battle is in progress on the line of Waterloo, in front of the forest of Soignies. The enemy's center is at Mont. St. Jean; maneuver, therefore, to join our right.

The Marshal DUKE OF DALMATIA.

P. S.—A letter which has just been intercepted says that General Bülow is about to attack our right flank; we believe that we see this corps on the height of St. Lambert. So lose not an instant in drawing near us and joining us, in order to crush Bülow, whom you will take in the very act.

The Marshal DUKE OF DALMATIA.

It will be observed that Grouchy admits that at 1 p. m., June 17, Napoleon ordered him to

Pursue the Prussians, complete their defeat by attacking them as soon as you come up with them, and never let them out of your sight.

Grouchy also admits that Napoleon said:

It was for me [Grouchy] to discover the route taken by Marshal Blücher; that he was going to fight the English; that I ought to complete the defeat of the Prussians in attacking them as soon as I should have joined them.

He also admits that the order dated Ligny, June 17, dictated by the Emperor and signed by Bertrand, said:

You will pursue the enemy; explore his march, and instruct me as to his movements, so that I can find out what he is intending to do.

* * * * *

It is important to find out what Blücher and Wellington are intending to do.

Now observe that Grouchy's letter to the Emperor, written at 10 o'clock that night, said:

The Prussians divided in two columns, one taking the route to Wavre.

* * * * *

If the mass of the Prussians retire on Wavre, I will follow in that direction.

Also bear in mind that at 10 o'clock on the morning of the 18th Napoleon acknowledged the receipt of this information, at the same time saying:

A third column, which is a pretty strong one, has passed, directed on Wavre.

This order also says:

The Emperor instructs me to tell you, that at this moment His Majesty is going to attack the English army, which has taken position at Waterloo, near the forest of Soignies. Thus His Majesty desires that you will direct your movements on Wavre, in order to approach us, to put yourself in the sphere of our operations.

To show that Napoleon expected Grouchy to be close upon the Prussians, remember that the Emperor's letter of 1 p. m., of the 18th said:

You ought always to manœuver in our direction, and to seek to come near to our army in order that you may join us before any corps can put itself between us.

This letter also informed Grouchy that Bülow was about to attack Napoleon's right, and it closed with these words:

We believe we see his corps on the heights of Saint Lambert. So lose not an instant in drawing near us, and joining us, in order to crush Bülow, whom you will take in the very act.

It does not matter whether we take what Grouchy claims to be his verbal orders, or the authenticated official letters of instruction. In either case it is clear that he did not give an intelligent obedience to Napoleon's directions, although he did comply with the literal language of certain phrases that the order contained.

It might be interesting to proceed with an account of the sublime heroism which Napoleon instilled into his soldiers and which they evinced on June 18 in their attack upon Wellington, and in resisting the assaults of Blücher upon their right flank and rear. But I have no heart to discuss an engagement which, with all its brilliancy of conception and courage and intrepidity of execution, was lost by the misjudged action of a man who owed his rank and honors to the imperial leader whose fame and power ceased to exist when the charge

of the imperial guard of France was checked, and they were compelled to recoil from a carnage too bloody for humanity to endure. It is painful to go further. The battle of Waterloo was lost when Grouchy failed to intelligently comply with the Emperor's orders; and no heroism could have compensated for the great disparity of numbers which existed between the contending armies.

Begging the House to excuse my long digression for the purpose of illustration, I now return to the subjects, leaving the events of June 18, 1815, to consider those of

AUGUST 29, 1862.

General LOGAN now admits that Longstreet was on Jackson's right, but he insists that Porter ought to have complied with the literal language of one phrase of the 4.30 order, although by doing so he would have been drawn away from Pope, which would have caused him to disobey three other phrases that the order contained.

This is precisely the way that Grouchy justifies himself in disobeying the order to approach Napoleon, and to put himself in the sphere of Napoleon's operations, and to draw near to Napoleon "before any corps of the enemy can put himself between us"—that is, between Napoleon and Grouchy.

Does not this illustrate that corps commanders must use discretion, and that they must obey orders so as to successfully carry out the purposes of the commanding general?

I will place in the record a map illustrating the relative location of the places I have mentioned.

PUNISHMENTS FOR INSUBORDINATION.

The course pursued towards subordinates by nations and commanding generals who have sustained reverses has varied greatly. Passion and not reason has often guided their action, and when sovereigns and generals of armies have found themselves involved in difficulties by reason of their own derelictions and false movements, they often attempt to shift censures and fasten responsibilities upon subordinates, and in these efforts they have too frequently allowed a mean and despicable selfishness to control their actions, regardless of the better dictates of the heart.

Many cases have arisen where rulers have sought to inflict punishment for example's sake, and where *packed courts have been used for*

the purpose of branding stigmas upon rising men, whose talent and courage were making them so prominent and popular as to create jealousies which developed into envy, hatred, and malice. This spirit is not confined to rulers and to persons in high places alone. It develops itself in all circles of society, and in all the seasons of life. Some children, with more of pleasure than pain, cause the infliction of punishments upon their fellows, their schoolmates, and even upon their brothers and sisters, by withholding truth, and sometimes by wicked falsehoods. This inclination grows with the growth, and, as "the child is father to the man," it hardens and matures itself into cold and deliberate cruelty, so that *commanders are found to create courts* for some particular and selfish end, to construct them of truculent officers to be swayed too often by perjury. I desire to say, before proceeding, that I do not apply these terms to the Porter court. The primary evidence as to the location of the confederate army was not placed before it, the most competent witness to testify on these points being cut off by the line of battle that divided the contending armies of what were then two separate nationalities.

SOME CURIOUS FACTS AS TO THE CONSTRUCTION AND CONDUCT OF THE COURT.

In connection, however, with this observation of mine, as to the Porter court-martial, I feel it my duty to call attention to this extraordinary statement of facts, as they exist, not only as to the organization of the court, but as to a part of its conduct in the course of the investigation:

It is now known that the movements of two divisions of General McDowell's corps gave up the key to the situation by their movements on August 28. I refer to the divisions of King and Ricketts—the former by his withdrawal from Gainesville and the latter by falling back from Thoroughfare Gap. It is to these two movements more than to anything that Porter did, or failed to do, that caused Pope's defeat on the 30th, and yet the officers who commanded those divisions were members of the court that tried Porter, in which either may have had the casting vote. Furthermore, General King was called by the Government as a witness to help make out the case for the prosecution, while he was a member of the court engaged in trying Porter. Can anything be more monstrous than such a proceeding in a court pretending to administer justice? When the record first disclosed this fact to me I thought there must be some mistake as to the identity as to officers mentioned. I knew that the enemies of Porter were powerful and unscrupulous, but I was not prepared to find that they had gone to the length of trying him before their own prosecuting witnesses.—*Colonel Moulton's letter to General Gibbons.*

The facts here stated have become historical, and it may be declared to the world, that in this great case of the trial of Fitz-John

Porter for his life, as a coward, some of his *accusers* were his *judges*, nay, more—some of his judges were officers whose military *movements* had brought about the very mischief for which he was *by them* condemned!! And one of these was produced as a witness against him at the trial, and having testified as such witness, gravely resumed his place on the board as a judge!

THE IMPATIENT JUDGES.

Another thing is disclosed in the conduct of this Porter court-martial. They were in haste to get out of the *judicial harness*. They were needed in other quarters, and for other purposes.

It is a matter of record in the proceedings (see pages 218 and 219) that when the case was closed and the accused read his defense, that the judge-advocate declined to reply, stating: To prepare a written reply, in keeping with the gravity of the proceedings to the argument of the accused, would require several days, thus involving a delay which it is most important to avoid. From the consideration and from the urgent demand which exists for the services of members of this court in other and more active fields of duty, it is felt that the public interests will be best subserved by asking, as I now do, that you will proceed at once to deliberate upon and determine the issues which are before you.

Now, Mr. Speaker, a judge who has in his hands the life of a human being

IS NOT PERMITTED TO BE IN A HURRY.

He may grow weary under long and laborious toil in listening to evidence and in examining facts, but when he reaches the solemn moment of judgment he must deliberate unembarrassed by the hurly burly of the outside world, and not allow himself to be led away by any extraneous matters. But in this case, involving the life and honor of this distinguished American general, the judge-advocate gravely says to the court:

To prepare a written reply in keeping with the gravity of the proceedings to the argument of the accused would require several days, thus involving a delay which it is most important to avoid.

And again this same judge-advocate, after thus acknowledging the gravity of the proceedings, perhaps shaking his finger at the court, makes this further impressive observation:

From the urgent demand which exists for the services of members of this court in other and more active fields of duty, it is felt that the public interests will be better subserved, by asking, as I now do, that you will proceed at once to deliberate upon and *determine* the issues which are now before you.

Mr. Speaker, I have a faint recollection of a sarcastic line of English poetry, something like this:

But men must hang, that jury-men may dine.

A stroke of satire leveled at the proverbial impatience of English juries.

I do believe the day will come when some American Juvenal will arise who will find in the history of the trial of Fitz-John Porter abundant materials for a scorching song, and I earnestly hope that he may take advantage of the occasion to lash all

IMPATIENT JUDGES.

whether found on the bench, on the wool-sack, or on the drum-head.

JUDICIAL HASTE AN ELEMENT OF TYRANNY.

That voracious judicial vulture, Lord Jeffreys, was always *in a hurry*. When he convened his grand jury at Bristol, in his bloody ridings in England, so memorable in the judicial history of that country, he glared and stormed at the jury, and exclaimed: "*I am here to do the King's business.*" Everybody knew what that meant. He had come to repeat his sanguinary role—to *hang fifty men a day!*

It is fair evidence of haste in a judge *to hang fifty men in a day*. It would seem that at that time men were merely cattle in England. But they are not so considered in America. Here, the life of an individual, however humble, can be taken by a court only after the most solemn consideration. Here, too, we pretend that

HONOR IS DEARER THAN LIFE.

Certainly, to a soldier whose dream is of glory, honor is dearer than life.

Certainly, to a commanding general of an army corps, whose plume is already glittering with the rays of glory, won on the fields of battle in the service of his country, *honor is dearer than life*.

Certainly, to Fitz-John Porter, as he stood that day before that court-martial—having uttered a defense which put that staggered judge-advocate to the *heavy task of several days' labor* to answer—certainly to him, honor was dearer than life.

NEVERTHELESS,

as it appears from the facts above referred to, that very court-martial *had not time* to give to that defense the consideration that its gravity demanded, for the court was advised, and, as it appeared, acted upon the advice, "*to come at once to a determination of the matters before it.*"

The writer of the Tribune article does not, however, appear to entertain my idea of the official integrity of officers of the Army, as is shown by his thrust at Generals Terry and Getty, in his statement that Terry was Pope's competitor for the anticipated vacancy among the major-generals, and that Getty was an applicant for promotion to brigadier-general.

I regret that he made the allusion, as I feel he did both these officers great injustice; but it is not surprising that, in the study of a case which shows the use of so much selfishness, treachery, and perfidy to destroy Porter, he would be led to believe that integrity and honor had become in a measure supplanted by the baser instincts of humanity.

This yielding to popular passion is no new phase in the history of men.

The cry of

Crucify him! crucify him!

by the raging multitude could not be resisted by Pontius Pilate. The trial and acquittal of our Saviour had taken place. The verdict was:

I have examined him before you and find no cause in this man touching those things wherein you accuse him. No, nor Herod neither.

Subservience to those who dispense office was at that time not unlike it is to-day, and all hesitancy ceased when he heard the threat:

If thou release this man thou art *not Cæsar's friend*,

and this judge and ruler, giving him over to death, satisfied himself with the pusillanimous expression:

I am innocent of the blood of this just man.

Magistrates and judges of all times, including those of to-day, are so disposed to yield to the clamor of popular fury that in all States and all nations it has been found necessary to incorporate in written statutes provisions for removing trials from the scene of excitement and prejudice.

If such a law had existed in 1865, the records of our country would not show that

IN A PERIOD OF EXCITEMENT MRS. SURRETT WAS TRIED,

sentenced, and executed on the charge of harboring her son, who was charged with a crime of which, upon his subsequent trial, he was

acquitted. It requires no argument to demonstrate that the mother could not have possibly been guilty of crime in harboring her son, when the facts finally showed that the son himself was not guilty.

MILITARY DISCIPLINE AMONGST THE ROMANS.

No nation ever exercised military subordination more rigidly than the Romans. Their armies were models of discipline in the most enlarged sense of that phrase. But military punishments were enforced with the greatest caution, and, excepting a few rare instances, with humanity. The Romans are known, in one instance at least, to have rewarded with honors and congratulations the greatest military blunder ever perhaps committed by any of their generals. When Varro fought and lost that most disastrous battle of Cannæ, in which he displayed the greatest want of capacity and evinced the utmost ignorance of military affairs, the magnanimous people of Rome went out to meet him, upon his return to the city after the disaster, and warmly *congratulated* him "that he had not despaired of the Republic." Why was this? Simply because they knew that Varro was honest and patriotic, and that what he had done was done through ignorance, untainted by a corrupt intention.

On this subject a very learned and distinguished writer on the history of the wars and customs of the Romans gives us this enlightened chapter on that phase of Roman heroism :

The Romans were not only less ungrateful than other republics, but were also more lenient and considerate in the punishment of the generals of their armies. For if their misconduct was intentional, they punished them humanely; and if it was caused by ignorance, they not only did not punish them, but rewarded and honored them nevertheless. This mode of proceeding had been well considered by them; for they judged that it was of the greatest importance for those who commanded their armies to have their minds entirely free and unembarrassed by any anxiety other than how best to perform their duty, and, therefore, they did not wish to add fresh difficulties and dangers to a task, in itself so difficult and perilous, being convinced that, if this were done, it would prevent any general from operating vigorously. Suppose, for instance, that they had sent an army into Greece against Philip of Macedon, or into Italy against such tribes as had at first gained some victories over them. Now, the commander of such an expedition would naturally feel the weight of all the cares attendant on such enterprises, and which are very great. But if in addition to these anxieties the mind of the general had been disturbed by the examples of other generals, who had been crucified or otherwise put to death for having lost battles, it would have been impossible for him, under the influence of such apprehensions, to have proceeded vigorously. Judging, therefore, that the ignominy of defeat would be sufficient punishment for such a commander, they did not wish to terrify him with other penalties.

The following is an instance of how they punished intentional faults:

"*Sergius and Virginus* were encamped before Veii, each commanding a sepa-

rate division of the army, Sergius being placed on the side where the Tuscaus could make an attack, and Virginius on the opposite side. It happened that Sergius being attacked by the Faliscans and other tribes, he preferred being beaten by them and put to flight rather than apply to Virginius for assistance; and on the other hand, Virginius, waiting for his colleague to humble himself, was willing rather to see his country dishonored and the army of Sergius routed than march unsolicited to his succor. Certainly a very bad case and worthy of note, and well calculated to cause unfavorable conjectures as to the Roman Republic, if both these generals had not been punished. It is true that whilst any other republic would have inflicted capital punishment upon them, they were subjected by Rome only to a pecuniary fine. Not but what their misconduct merited severer punishment, but because the Romans, for the reasons above explained, would not vary from their established custom."—*Machiavelli*.

But the Roman generals-in-chief, and the Roman consuls and dictators were not always so generous or so lenient as the Roman people. The rigid sternness of some of these military-civic superiors led to the commission of acts the most savage and revolting, one of which I shall here notice :

HOW TORQUATUS MANLIUS EXECUTES HIS SON.

In the war between the Romans and the Latins the consuls issued orders that "no person should *fight with any of the enemy, except in his post.*"

It happened that among the other commanders of the troops of horsemen which were dispatched to every quarter to procure intelligence, *Titus Manlius*, the consul's son, came with his troop to the back of the enemy's camp, so near as to be scarcely distant a dart's throw from the next post, where some horsemen of Tusculum were stationed under the command of *Geminius Metrius*, a man highly distinguished among his countrymen, both by his birth and conduct. On observing the Roman horsemen, and the consul's son, remarkable above the rest, marching at their head (for they were all known to each other, particularly men of any note), he called out, "Romans, do ye intend," with one troop, to wage war against the Latins "and their allies? What employment will the two consuls and their armies have in the mean time?" Manlius answered: "They will come in due season, and with them will come one whose power and strength is superior to either—Jupiter himself, the witness of those treaties which ye have violated. If at the lake of Regillus we gave you fighting until ye were weary, I will answer for it that we shall in this place also give you such entertainment that for the future it will not be extremely agreeable to you to face us in the field." To this *Geminius*, advancing little from his men, replied: "Do you choose, then, until that day arrives when with such great labor ye move your armies, to enter the lists yourself with me, that from the event of a combat between us two it may immediately be seen how much a Latin horseman surpasses a Roman?" Either anger or shame of declining the contest or the irresistible power of destiny urged on the daring spirit of the youth, so that, disregarding his father's commands and the edict of the consuls, he rushed precipitately to a contest in which, whether he was victorious or vanquished, was of no great consequence to himself. The other horsemen removed to some distance as if to behold a show.

THE DUEL ENSUED AND YOUNG MANLIUS TRIUMPHS.

Then, collecting the spoils, he rode back to his men, and together with his troop, who exulted with joy, proceeded to the camp, and so on to his father, without ever reflecting on the nature or the consequences of his conduct, or whether he had merited praise or punishment. "Father," said he, "that all men may justly attribute to me the honor of being descended of your blood, having been challenged to combat, I bring these equestrian spoils, taken from my antagonist, whom I slew;" which, when the consul heard, turning away instantly from the youth, in an angry manner, he ordered an assembly to be called, by sound of trumpet, and when the troops had come together in full numbers, he spoke in this manner:

"Titus Manlius, forasmuch as you, in contempt of the consular authority, and of the respect due to a father, have, contrary to our edict, fought with the enemy, out of your post; and, as far as in you lay, subverted the military discipline by which the power of Rome has to this day been supported, and have brought me under the hard necessity either of overlooking the interests of the public or my own and those of my nearest connections, it is fitter that we undergo the penalty of our own transgressions than that the commonwealth should expiate our offense, so injurious to it. We shall afford a melancholy example, but a profitable one, to the youth of all future ages. For my part, I own, both the natural affection of a parent and the instance which you have shown of bravery, misguided by a false notion of honor, affect me deeply. But since the authority of a consul's orders must either be established by your death or, by your escaping with impunity, be annulled forever, I expect that even you yourself, if you have any of our blood in you, will not refuse to restore by your punishment that military discipline which has been subverted by your fault. GO, LICTOR; BIND HIM TO THE STAKE!" Shocked to the last degree at such a cruel order, each looking on the ax as if drawn against himself, all were quiet, through fear rather than discipline. They stood, therefore, for some time motionless and silent; but when the blood spouted from his severed neck, then, their minds emerging, as it were, from the stupefaction in which they had been plunged, they all at once united their voices in free expressions of compassion, refraining not either from lamentations or execrations; and covering the body of the youth with the spoils, they burned it on a pile, erected without the rampart, with every honor which the warm zeal of the soldiers could bestow on a funeral. From thence "Manlian orders" were not only then considered with horror, but have been transmitted as a model of austerity to future times.

It should be here observed that upon the successful closing of this war, when Torquatus Manlius returned to Rome, that only the aged people went out to meet him, the young refusing to join in doing him honor, and ever after *continued to execrate and curse him*. Philosophers and historians, in succeeding ages, have been found to commend this conduct of Torquatus Manlius. For myself, I have no hesitation in expressing my intense aversion to the act. It was atrocious, because it was unnecessary; it was cruel, because it was unnatural; it was tyrannical, because it exercised paternal authority in conjunction with military power; and it was hypocritical and mean, because it was a strained effort to distort the heart and to substitute Romanism (so called) for humanity, and thus to contribute to the personal re-

noun of the imperious parricide. I would rather a thousand times be the young Manlius dead than the old Manlius living. From this tragic picture of horrid war I turn for relief to the contemplation of another, wherein I behold the grandest of all the monarchs of this earth, the illustrious David, the God-appointed King of Israel, lamenting over the dead body of his erring son Absalom. Absalom had rebelled and waged war against his father, and was slain, as a consequence of that war. Nevertheless, the heart-stricken, good old monarch, precipitated by natural emotions, falls into the most violent lamentations, seeing nothing before him but the breathless beauty of a darling son, whose grievous sins were all forgotten in the agony of a father's grief.

In the one picture I see humanity deformed by the god of war into a demon; in the other, I see humanity in its godliest aspect, asserting Christianity a thousand years before its advent into this world. This stupendous parricide of Torquatus was

PROMPTED BY MILITARY AMBITION.

The love of personal renown had crushed out all the other loves in that man's heart. The long contemplation of war and blood had made of him a brute. Personal glory had become his god, and the god of personal glory is a demon.

The same awful mischief which military ambition perpetrated in this particular case, envy and jealousy have perpetrated in a thousand others. Between the chief and subordinate commanders of the Roman armies, in all the ages of the kingdom, the republic, and the empire, there

EVER EXISTED A PERVADING PERSONAL JEALOUSY.

The chief would not allow his lieutenants to fight in his absence, because a victory might have redounded to the glory of the lieutenant, thus stripping the chief of so much coveted renown. This jealousy, however applicable to the earlier chieftains in the Roman wars, became especially conspicuous in the days of Marius, Sylla, Caesar, and Pompey. Perhaps the solitary exception to this remark is found in the person of Cincinnatus, for the simple reason that he did not allow glory and ambition to play their vicious roles in his immortal career.

ANOTHER CASE OF ROMAN FEROCITY.

In connection with the foregoing reflections I give a brief account of another leading case of the furious determination of a Roman dictator to punish a lieutenant who *had fought against orders*.

THE CASE OF QUINTIUS FABIUS.

In the war with the Samnites, Cursor, the dictator, having occasion to go to Rome, left strict orders with the master of the horse to remain in his post, and not to engage in battle during his absence. After the departure of the dictator, Fabius, having *discovered* by his *scouts* that the enemy were in as unguarded a state as if there was not a single Roman in their neighborhood, the high-spirited youth (either conceiving indignation at the sole authority in every point appearing to be lodged in the hands of the dictator, or induced by the opportunity of striking an important blow), having made the necessary preparations and dispositions, marched to a place called Imbrinium, and there fought a battle with the Samnites. His success in the fight was such that there was no one circumstance which could have been improved to more advantage if the dictator had been present.

The fight resulted in a *splendid victory for Fabius*, and the slaughter of 20,000 of the enemy, and had been fought upon the discovery of a certain feeble situation and condition of the enemy which had been *developed after the dictator had left*, and which authorized and called for a fight; a general of our day, refusing to take advantage of such a situation, would be covered with merited disgrace.

Now, when the dictator heard of this victory he flew into the greatest rage, for he considered that he had *lost just so much renown as Fabius had achieved for himself*. He hastened back to the army and placed Fabius in the hands of the dictator, and was about to inflict upon him the penalty of death, when the offending officer fled from the camp to Rome, and appealed for protection to the senate and to the people. But the raging dictator followed him to the senate and was inexorable, though the senate and people with great unanimity interceded for Fabius.

In this famous controversy the dictator planted himself upon the precedent which Torquatus had made in the slaughter of his son, and insisted that the splendor of the victory was no offset to the breach of Roman discipline. His arguments and invincible resolution prevailed, and Fabius was forced to submit on his knees to the inexorable will of the dictator. But seeing that all the people and the senate of Rome were undisguisedly on the side of the young hero, the dictator so far relented as to grant Fabius his life, asserting to the last that the public submission of Fabius had re-estab-

lished the *Manlian edict*, and that his pardon was dictatorial mercy, persuaded by the prayers of the people.

POLITICAL JEALOUSIES AND ASPIRATIONS.

Another peculiarity cropped out in the Roman wars—political ambition built upon military success. Marius, by all odds the greatest man of his day, was early penetrated with a desire to achieve military renown as a foundation of civil power at Rome. He succeeded. Sylla, his lieutenant, followed in his footsteps. Having supplanted Marius to a certain extent in war (for it was Sylla's strategy that closed the Numidian war by the perfidious capture of Jugurtha), Sylla resolved to supplant Marius at Rome in civil authority. Hence the stupendous civil wars between Marius and Sylla, which were the beginning of the end of the grand old Roman nation.

In these wars, growing out of political jealousies, every man fell who was in the way of the rising of either of these bloody aspirants. To suspect a subaltern was to execute him, if

THE EXIGENCIES AUTHORIZED THE SACRIFICE.

Now, it is quite evident that this political ambition which so engrossed the old Romans *is a prominent feature at this day in American politics.*

War made George Washington President of the United States, so it made Andrew Jackson, so it made Harrison, and Taylor, and Grant. This war element had its influence in making Pierce President; so also it extended into the election of Hayes and Garfield; each had been military men with more or less renown. This element extended also into the nomination of General Hancock; and it is well known that it was the mythical idea that Richard M. Johnson, of Kentucky had killed Tecumseh that made Johnson Vice-President.

This spirit is especially recognizable as a part of American politics, from the persistence with which General Scott's friends pressed him for President, without a record excepting his military renown. Now, Mr. Speaker, I really doubt, and I express it here freely in my place, whether there were many successful generals in our late terrific war who did not feel in their captivated ears at some exquisite moment of sweeping triumph the unutterably harmonious humming of that *ineritable bird, better known as the "Presidential bee."*

The use of these observations in this place is simply to give me the

liberty of suggesting that in the sacrifice of Fitz-John Porter by that cruel court-martial the evil spirit of military and political jealousy and ambition entered fearfully and most effectually.

THE TRUE ENDS OF PARTY ORGANIZATIONS.

Is this House now willing to make a political matter of this question?

The legitimate ends of political parties are the urging and establishing of great principles; the means of preserving the free institutions of one's country; of promoting the prosperity of the people, and working for the amelioration of mankind; to find the best means to protect personal liberty and private property; to bring about the greatest good to the greatest number, and to throw around the citizen anegis broad enough to shield him, not only in the enjoyment of property and liberty, but to *guard and defend his honor*; these are the ends of party, and in this view of it I too am a party man. But rather than carry my partisan feelings into a contest which involves the honor of a gallant soldier, who had fought bravely for his country in the face of danger and death, I would see my right arm severed from my body.

If you are disposed to make this a party question, remember two things:

1. It was under Republican rule that this great wrong was committed.
2. A Republican Congress has the power to undo this mischief, and refuses the last opportunity to relieve its party from the obloquy of having done a great wrong.

GENERAL GRANT'S MAGNANIMITY.

On this very subject, in this very case, you have before you a splendid example in your own gallant and honored leader, General Grant. With a magnanimity that does honor not only to him but to the whole human race, his mind being disabused of error and prejudice by the revelations of the truth of history, he rises superior to party, and asserts the grandeur of a real heroic nature in proclaiming to the world not only his own grave error, but he publicly expresses genuine and honorable and manly grief for the mischief he has done this injured man by having refused to undo the greater mischief which had been done to him by this cruel court-martial;

lamenting that when he had the power to undo the mischief, his mind labored under the belief of this man's guilt upon a false theory and a fatal delusion.

As much honor as General Grant has won in the service of his country, his glittering plume is yet brightened in its gleamings by this other ray of glory, coming, not from a victory on the field of battle, but from that greater victory over self, over party, and over prejudice.

Every point now and heretofore claimed by Fitz-John Porter to prove his innocence of all wrong, intentional or otherwise, under the charges on which he was tried, is

FULLY ESTABLISHED IN THE ORIGINAL RECORD

of the court-martial, printed and shown in his defense at the time.

The subsequently presented newly discovered evidence confirms the original testimony given in his behalf, and disproves that of his accusers and prosecutors.

Owing to circumstances best known to the court, the evidence in his defense was not credited, while that of the prosecution, now fully disproved, was received as correct.

Most of the new evidence was documentary and written on the ground during the events inquired into.

The War Department exercised an espionage over all of Porter's correspondence, and he complained to the court that letters to him from the Army were withheld and pilfered.

Complaint was made and made again to the Post-Office Department; but it was months before he received even a portion of the abstracted and withheld documents, which when presented with other evidence confirmed the old testimony and

ESTABLISHED HIS INNOCENCE

on all points. Other documentary evidence was withheld or mislaid by his accusers; some of this has not come to light, though its tenor is known. Other papers proving essential facts asserted by him but denied by his prosecutors were brought forward in 1878, by one of his accusers, from the secret recesses in which they had been held since 1862—brought out to prove a "point" in favor of the accusing witness, and they proved Porter's entire innocence of one of the gravest charges, and would have done so in 1862, when they were asked for. I refer to

Porter's letter, which showed that he received the 4.30 order after 6 o'clock, and which had been in General McDowell's possession for sixteen years.

The minority report of the Senate, submitted by Senator LOGAN on May 31, 1882, as if feeling the necessity of asserting a full and fair trial, says that for forty-five days the court-martial was in session and that after a "patient investigation," during which many witnesses were examined, Porter was found guilty. Nothing, however, is said of the fact that only thirteen days (four being Sundays or holidays not used) of the forty-five were given to the defense, and that those were cut short by the one idea of

EXPEDITING THE TRIAL,

that the service might not be inconvenienced, no matter how the ends of justice might be perverted, which seems to have actuated the Secretary of War, who issued a peremptory order to the court to sit without reference to hours. When Porter was required to enter on his defense not one of his important witnesses had been summoned or notified that he was to be a witness, although at the beginning of the trial Porter had been required by the judge-advocate to furnish a list of his witnesses—an unusual demand, the plea for making it being that the trial would be expedited and the service put to less inconvenience; and further, one witness, General Pope's chief of staff, held for the prosecution, was ordered away from Washington so soon as it was found that he was to be a witness for the defense. Eminent statesmen, honored jurists, and lawyers as able and distinguished as are in our country have declared after a careful and "patient study" of the records of that court-martial that

FITZ-JOHN PORTER SHOULD HAVE BEEN ACQUITTED.

Conscious of his innocence, and as preparation for an appeal, almost simultaneously with the publication of the sentence, Porter asked for the publication of the record by the Senate. His appeal was met by Senators presenting a volume, which had been surreptitiously published and hastily issued, which contained only the evidence for the prosecution, not one word for the defense. And so

SUCCESSFUL WAS THE DECEPTION

in creating the impression that the whole evidence had been published, that the Senate denied the motion to print.

Senator Fessenden said, holding the volume up to view:

He was rather in favor of having the record printed and go to the country. But the record had been printed; he had received a copy and read it. He believed that the result arrived at was amply justified by the facts, and no other results could have been reached in any court. But the record was very voluminous; it would create a vast expense under the present circumstances, and as it was already printed he did not think it best to adopt the resolution.

That volume, bound with other anonymously written and surreptitiously printed pamphlets of the prosecution, furnished to Senators, is now in existence.

THE PRESS ALMOST UNANIMOUSLY FAVORABLE TO PORTER.

The press of the country, that had carefully watched the proceedings of this court-martial, and which had all the evidence, almost unanimously announced their opinion, a fair sample of which is an article in the New York Times January 12, 1862, from which I quote:

It is very certain that the trials (General McDowell's and Porter's), although the impeachments of each officer were so grave, have not resulted in establishing any startling and terrible crimes to shock the country and disgrace the service.

In the minority report of the committee of the Forty-sixth Congress, page 29, "the opinion of a careful military historian, the author of perhaps the best history of our civil war that has been written" and written without "prejudice or passion," is given, but if the members of the committee had turned to the appendix, pages 761-763 of the history by the Comte de Paris, from which the extract was taken, they would have found the amended opinion, and on page 292 of the later American edition they would have found all trace of it gone and commendation substituted; and they no doubt would all have been as much astonished as was one of the minority when this appendix and the new addition were shown to him, unfortunately not until after the report had been made. If the minority still retain their exalted appreciation of this author, then certainly when they find passages derogatory to Porter changed under new light to commendations, in justice they should give him the benefit of this high opinion.

I give the exact words of the Comte de Paris (Appendix, page 761):

We shall pass over in silence the charges of incapacity, cowardice, and treason. These are belied by Porter's whole career, who, both as a soldier and a chieftain, had been tried on more than one battlefield, and whose devotion to the cause he served can not be called into question. * * * After his defeat

General Pope censured his lieutenant for not having prevented the junction of Jackson and Longstreet by placing himself between them on the Gainesville and Groveton road. He asserted that this maneuver was practicable and that it would have assured the defeat of the confederates. It was in consequence of this accusation that Porter was tried and condemned. At a later period when the facts became more fully known and the official reports of the confederate generals were given to the public it was shown that the junction of the two confederate corps was effected long before Porter could have reached the point which had been indicated to him.

* * * * *

General Pope has weakened the effect of this charge by his immoderate course and by presenting the facts in a light which does not bear investigation. On the one hand he asserts that he ordered Porter to attack the enemy's right, and assumes that he willfully disobeyed him in not fulfilling his instructions. Now, this order, as we have already stated, was only dispatched at half past 4 o'clock, and Porter declared that he did not receive it until the moment when night rendered its execution impossible. The movements of the several corps had been so frequently countermanded that the officers of the general staff were unable to ascertain the exact position of each, so that the delay in the transmission of that order is not to be wondered at. On the other hand Pope, in his anxiety to prove that Porter's inaction had permitted the enemy to concentrate all his forces upon that portion of his line which was defended by Jackson, quotes the official report of the latter. But he made a mistake in the dates, as we have ascertained by examining a collection of confederate reports on the campaigns of Virginia, published in Richmond in 1864 (volume 2, page 96); the quotation he produces has reference to the 30th of August, and not the 29th. This explanation will suffice to show how important it is to be circumspect in examining the various documents that have been published on both sides if one wishes to arrive at the exact truth.

In the stress laid on the fact that Mr. Lincoln, then President, approved the sentence of the court, it should be remembered that the proceedings of the court were never examined by him, and that he approved the sentence mainly on the argument of the judge advocate, which misrepresented the evidence. Never was a great-hearted or great-minded executive more grossly betrayed by the servants in whom he trusted. Mr. Robert Lincoln's testimony plainly shows that his father was misled by the Judge-Advocate-General's interpretation of Porter's dispatch to Generals McDowell and King; nor should Governor Newell's letter and testimony, showing that President Lincoln acknowledged to him that he believed himself misled and would be glad of an opportunity to reopen the case, be forgotten.

It has been said that Porter should be judged on the 29th of August, 1862, by what he knew of Longstreet to guide his acts; also, that Longstreet was not in his front, and if so, that he did not know it. In this connection, I refer to Porter's letter of January 9, 1871, to the honorable Secretary of War, and to a dispatch of August 29, 1863, from General

McDowell to General Pope, both accompanying this letter. It will there be seen that for the purpose of assuming a great success after a severe battle on the 29th that General Pope claimed in his dispatch from the battlefield that he had been fighting the *combined* forces of Longstreet and Jackson; but in order to convict Porter, who acted on a positive knowledge of Longstreet's presence in his immediate front, General Pope testified in 1862 that Longstreet had not arrived up to a late hour in the evening and subsequently reported him coming on the field all that night and next day.

Again, General McDowell testified in 1862 that he knew nothing of Longstreet or of the cause of the falling back to Manassas of Ricketts and King, and that he did not meet them until after parting from Porter. Yet in part of that dispatch, written before seeing Porter, he says he had met King, had heard of Ricketts, and that they had fallen back, "being overmatched" by Longstreet. The record of McDowell's court of inquiry, sitting in the same building with Porter's court, shows that he was proving that he knew all about Longstreet, and had arranged to prevent him coming through Thoroughfare Gap, only nine miles from Porter, on the morning of the 28th August. In 1878 he testified that he had imparted his information to Porter.

ANIMUS.

The charge that Porter exhibited ill-feeling toward General Pope is not sustained by the proof. But we see scattered through the testimony very strong evidence that General Pope entertained both jealousy and animosity against Porter.

In his first report of the battle of August 30, he said :

The attack of Porter was neither vigorous nor persistent, and his troops soon retired in considerable confusion.

Porter lost about 2,100 out of less than 8,500 men for the fighting that General Pope styles "neither vigorous nor persistent."

Other corps of General Pope's army lost from August 16 to September 2, inclusive—Sigel 2,087 out of 9,000, Heintzelman 2,238 out of 9,000, Reno 1,523 out of 7,000, McDowell 5,469 out of 18,000; and of these 5,469, more than 2,000 of McDowell's losses were reported as "missing," while Porter's "missing" was only 458.

It will therefore be seen that in the fight that General Pope says

was "neither vigorous nor persistent" Porter's loss in killed and wounded on that afternoon was, in proportion to the strength of the various corps,

NEARLY DOUBLE THAT OF ANY OTHER CORPS

during all the battles of the campaign, which lasted eighteen days.

In describing the attack of General Porter, which General Pope says was neither vigorous nor persistent, Stonewall Jackson uses these words:

In a few moments our entire line was engaged in a fierce and sanguinary struggle with the enemy. As one line was repulsed another took its place and pressed forward as if determined, by force of numbers and fury of assault, to drive us from our positions. So impetuous and well sustained were these onsets as to induce me to send to the commanding general for re-enforcements, but the timely and gallant advance of General Longstreet on the right relieved my troops from the pressure of overwhelming numbers, and gave to those brave men the chances of a more equal conflict. As Longstreet pressed upon the right, the Federal advance was checked, and soon a general advance of my whole line was ordered.

The Schofield board, after describing Porter's conduct on this occasion, comment upon it in these words:

Thus did this gallant corps nobly and amply vindicate the character of their trusted chief and demonstrate to all the world that "disobedience of orders" and "misbehavior in the presence of the enemy" are crimes which could not possibly find place in the head or heart of him who thus commanded that corps.

* * * * *

Porter's faithful, subordinate, and intelligent conduct that afternoon saved the Union army from the defeat which would otherwise have resulted that day from the enemy's more speedy concentration.

* * * * *

Whoever else may have been responsible, it did not flow from any action or inaction of his.

* * * * *

We believe not one among all the gallant soldiers on that bloody field was less deserving of such condemnation than he.

Now, when we recall General Pope's testimony against Porter on his trial, contradicted as it was in many material points by an array of witnesses, many of them called by the prosecution, does it not appear that General Pope was possessed by some personal and malignant animus against Porter?

On January 15, the gentleman from Ohio [Mr. DAWES], by interposing objections, prevented the consideration of the bill for the relief of Fitz-John Porter. He afterward obtained leave to address the House, and, by unanimous consent, I was granted the same privilege. His delay until this time made it necessary for me to proceed without a knowledge of the positions he would assume or the line of argument he would

pursue, and it was not until to-day that his views were presented to the House, so as to give me an opportunity to reply.

It would seem, Mr. Speaker, that what I have already said has anticipated every material point in the speech of the learned and distinguished gentleman. There were, however, a few assertions and insinuations in his speech to which I will briefly allude. He states:

General Porter had, therefore, a trial according to the custom of war in like cases—a fair trial and by a court of the highest possible standing as to intelligence, character, and integrity.

It had not been my intention to discuss the legal features connected with the court, as I did not feel such a course was at all necessary to

PORTER'S VINDICATION.

It had been my impression that all persons who had examined the matter admitted the illegality of the proceedings under which he was tried; the matter of contention being that his conduct was so exemplary that no honorable court could hesitate a moment, after hearing the evidence as now presented, to entirely exonerate him from any and all blame or censure.

But as General DAWES has stated that Porter had a fair trial according to the customs of war in like cases, I will reply by asserting that the court, as constituted, was in violation of the sixty-fourth article of war and the sixty-fifth article as modified by act of Congress May 29, 1830. It was also in violation of the seventy-fifth article of war, and if the statements of those who still assail General Porter are correct some of its members have disregarded the requirements of the sixty-ninth article of war, which, if true, would involve those gentlemen in the turpitude of disregarding the oath that is recited in said article. I will first call attention to the sixty-fifth article of war, as modified.

I read from the Army Regulations of August 10, 1861, page 495. The act referred to is an amendment to the sixty-fifth article of war:

Whenever a general officer commanding an army, or a colonel commanding a separate department, shall be the accuser or prosecutor of any officer in the Army of the United States under his command, the general court-martial for the trial of such officer shall be appointed by the President of the United States.

The proceedings and sentence of the said court shall be sent directly to the Secretary of War, to be by him laid before the President, for his confirmation or approval, or orders in the case.

So much of the sixty-fifth article of the first section of "An act for establishing rules and articles for the government of the armies of the United States," passed

on the 10th of April, 1866, as is repugnant hereto, shall be, and the same is hereby, repealed. (Act 29th May, 1830, sections 1, 2, 3.)

Pope was a general officer, commanding an army, and Porter was an officer in the Army of the United States, under his command.

It will therefore be observed that the act of Congress modifying the sixty-fifth article of war directly applies to a case like this.

General Pope and General Halleck could not be ignorant of these provisions, but is it not probable that they feared the inquiry which would have come from President Lincoln had they asked him to order the court? Did they not apprehend he would have hesitated before ordering a court to try the hero of Gaines's Mill, Cold Harbor, Chickahominy, Malvern Hill, and the brilliant victory of August 30 at second Manassas? Is it not possible that Lincoln was asked and either hesitated or refused to order the court?

Certainly these men would have made some effort to procure a legal tribunal before resorting to violation of law in their efforts to crush a man whose reputation they sought to destroy.

It is true that they give the face of the paper an appearance of legality, Pope's name not being signed to the charges. The signature reads:

B. S. ROBERTS,

Brigadier-General Volunteers and Inspector-General Pope's Army.

When this point of illegality was suggested, Judge Holt said:

There is no reference in the order appointing this court to General Pope at all. I wish to state distinctly that Major-General Pope is not the prosecutor in this case, nor has he preferred these charges, nor do I present them as being preferred by him.

It is true that General Pope swore before the court-martial that he was not the prosecutor, but his report of the battle of August 30 clearly showed that he was the animating cause of the prosecution; and when it became no longer necessary for him to fire from under cover, he acknowledged or rather boasted that he was Porter's accuser and prosecutor.

In supplement to Senate Report No. 142, Thirty-eighth Congress, second session, volume 2, I find on page 190 extracts from a letter written by General Pope, which I will read. It is addressed:

Hon. B. F. WADE,

Chairman of the Joint Committee on the Conduct of the War.

It says :

I have the honor to acknowledge the receipt of your letter of the 18th May, 1865.

* * * * *

Within two months it was actually found necessary to depose General McClellan from his command, and bring Fitz-John Porter to trial.

* * * * *

In the last days of January, 1863, when the trial of Fitz-John Porter had closed and when his guilt had been established I intimated to the President that it seemed a proper time then for some public acknowledgment of my services in Virginia from him.

* * * * *

I considered it a duty I owed to the country to bring Fitz-John Porter to justice, lest at another time and with greater opportunities he might do that which would be still more disastrous.

With his conviction and punishment ended all official connection I have since had with anything that related to the operations I conducted in Virginia.

Although this is conclusive, it is only a part of the abundant evidence that General Pope was both the accuser and prosecutor of Porter, and as the court was appointed by General Halleck and not by the President, it was an illegal tribunal from the inception of its proceeding, and its findings were void, even if all else had been legal.

In discussing this feature of this article I quote O'Brien on Courts-martial, page 227:

WHO MAY ORDER GENERAL COURTS-MARTIAL.

By the sixty-fifth article of war, any general commanding an army, or colonel commanding a separate department, may appoint general courts-martial whenever necessary.

But, by the act of 29th May, 1830, section 1, whenever said general or colonel shall be the accuser or prosecutor of any officer in the Army of the United States, under his command, the general court-martial for the trial of such officer shall be appointed by the President of the United States.

It is intended to prevent the packing of a court and still more, perhaps, to prevent the suspicion of such packing.

The effect of this article is, first, when an army is assembled in a body, to prevent any other than its commander from ordering general courts-martial and to limit this privilege, even in such cases, to commanding officers having at least the rank of general. The second effect of the article is, when a territory is divided into different departments, to confine the right of ordering general courts-martial to the commanding officer of a department, and to grant this privilege to him only when he has, at least, the rank of colonel.

With regard to the value this distinguished gentleman placed on himself, in his conversation with Mr. Lincoln in January, 1863, I will simply suggest that if he had only put himself on the New York Stock Exchange and bought himself for what Mr. Lincoln seemed to estimate his worth to the country and then sold himself for what he thought he

was worth it would have required but few deals for his wealth to have exceeded the colossal fortunes of Stewart, Vanderbilt, or Astor. I will now read the sixty-fourth article of war, from page 495, Army Regulations, of August 10,*1861:

ART. 64. General courts-martial may consist of any number of commissioned officers from five to thirteen, inclusively; but they shall not consist of less than thirteen when the number can be convened without manifest injury to the service.

This article applies to all courts-martial and is intended when possible to give an officer a full court even when tried for a most trivial offense. That being true, why should the law be disregarded in the trial of such a man as Porter upon charges involving life and honor? Washington city was at the time filled with high titled military men, and with all this array could not Halleck and Pope find more than nine officers whom they could trust with their commission?

I do not mean to say that a court would be illegal composed of less than thirteen members, nor shall I discuss the question of what should be regarded as

MANIFEST INJURY TO THE SERVICE.

But I insist that the spirit and letter of the sixty-fourth article of war were grossly violated by ordering Major-General Porter to be tried in the city of Washington by a court consisting of nine members, with the thousands of officers of all grades in and about Washington; and it is impossible to ascribe other than improper motives in providing for less than thirteen members of the court.

In 1 *Attorney-General's Opinions*, page 299, Mr. Attorney-General Wirt, in referring to this provision of the sixty-fourth article of war, after stating that it does not refer to convenience, nor is the injury alluded to only a probable one, but it must be a *manifest injury to the service*, uses these words:

And if a *smaller number act* without such manifest emergency, I repeat "that they are *not a lawful court* and an execution under their sentence would be murder."

I will now read the seventy-fifth article from page 497:

ART. 75. No officer shall be tried but by a general court-martial; nor by officers of an inferior rank if it can be avoided. Nor shall any proceedings of trials be carried on excepting between the hours of 8 in the morning and 3 in the afternoon, excepting in cases which, in the opinion of the officer appointing the court-martial, require immediate example.

Of the nine officers appointed by the court only two held commissions of the same grade as Porter, all the balance being brigadier-generals. There were at this time more than thirty officers in the Army who were superior in rank to General Porter. Is it possible for any one to contend that the officers ordering the court could not have avoided naming eight officers of a grade lower than that held by the accused? Comment upon this matter is unnecessary.

I will now allude to another action on the part of the prosecution, and remark that they may select that horn of the dilemma which best suits the purpose of their effort at justification. The seventy-fifth article of war provides that trials shall be carried on between the hours of 8 a. m. and 3 p. m., except in cases which

REQUIRE IMMEDIATE EXAMPLE.

General Porter's friends have insisted for twenty years that one purpose of his immolation was, because the disasters of others required the punishment of some officer for an example.

The proceedings of the court show that orders were given for its sessions to be held regardless of hours, so that either it was considered necessary to make an immediate example or this law was grossly violated by the action of the official who issued the order.

It is certainly not creditable to the Government that documentary evidence was

WITHHELD

or mislaid by General Porter's accusers. Some of this has not yet come to light, but other papers which prove essential facts, which were insisted upon by Porter at his trial, but denied by Pope and the prosecution, were brought forward in 1878 by General McDowell, he having secretly withheld such papers since 1862. These papers were brought forward by McDowell to prove a point to sustain his assertions as an accusing witness; but the effect of said papers was to sustain and confirm other proof which General Porter had insisted upon and which disproved one of the strongest points insisted upon by the prosecution in 1862.

In the elaborate and well-arranged speech of the distinguished gentleman from Ohio [Mr. DAWES], he has apparently selected every particle of alleged proof and every point which could be brought against this unfortunate soldier.

Unlike, however, General Pope, he is not universal in his condemnation. He says:

I respect General Porter for his valor on other fields, but for his failure on this field I condemn him.

His allusions to Porter's accusers do not show that his opinion of those gentlemen is very exalted. I will read:

I have spoken not for General Pope. History must attend to his case; it is not here for trial. I have no concern as to the plots or machinations of General Irvin McDowell. I know nothing of his personal schemes, plans, or purposes in that campaign.

General DAWES also sustains General Porter and contradicts General Pope in many points of evidence. The night of August 27, it will be recollected, Pope testifies was starlight. General DAWES's recollection is very different. He says:

I have no doubt that that night was dark; nights are apt to be when there is no moon. There is unimpeachable evidence that the night was dark. I find evidence that it was "very dark," given by my gallant leader who fell at Gettysburgh, General John F. Reynolds. He testifies:

"It was a very dark night, as was the succeeding night. I recollect both of them distinctly from having been about a good deal until after 12 o'clock on each night."

Ah, on the succeeding night I was about myself, and so was my honorable friend from Wisconsin. We can swear it was dark—very dark.

General DAWES's recollection that this was a very dark night is also sustained by a number of other witnesses whose testimony I have cited to this House. He, however, commits a grave error when he makes this statement, which I will read:

The sentence was approved by Abraham Lincoln, President of the United States. The Hon. Robert T. Lincoln, in his testimony upon the subject, says:

"My father was exceedingly severe in his condemnation."

Had he looked into the record of the Schofield board he would have found on pages 320 and 321 the evidence of Governor Newell, who testifies that he had seen General Porter only twice, and that his personal and political relations with President Lincoln were intimate and friendly and that he had a conversation with President Lincoln regarding Porter's case. In answer to a direct question from the court regarding Mr. Lincoln's statement on this occasion, Governor Newell said:

Mr. Lincoln stated that he had not been able to give that personal attention to the cause which its merits required; that he had accepted the opinion of the Judge-Advocate-General and of the War Department as the basis of his action; that if any evidence exculpatory of General Porter could be introduced he would

be very glad to give him an opportunity to have it presented ; that he had a high regard for General Porter personally and as a soldier, and that he hoped that he would be able to vindicate himself in that way. I had at least two conversations with the President on that subject, the import of which I have given you. I do not recollect the precise language, but it made a special impression upon my mind at the time, and my recollection has been fortified by a letter which I wrote to Governor Randolph, and which reminds me of this particularly.

General DAWES and others of Porter's assailants make assertions regarding General Garfield which I hope are equally erroneous. In their earnest efforts to argue what they seem to choose to regard as their side of the question they do not apparently reflect upon the great injury they were inflicting on the great and

DISTINGUISHED DEAD.

If it was true, as stated by some of General Porter's assailants, that information had been received by them regarding the opinion of any of the members of the court or any intimation as to how any member voted upon any of the charges or specifications, then it is also true that the member of the court who, they say, gave them information in the matter was guilty of violating the oath which he took not to divulge said facts. The letter alleged to have been written by General Garfield I hope and trust was imposed upon the gentlemen by some enemy of our martyred President. I hope General Garfield's friends will come to his rescue and prove, what I believe they will be able to prove, that this, like the Morey letter, was a forgery.

I can not conceive that after reading Mr. Lincoln's views, to which I have alluded, General Garfield would have used an expression to injure Porter and at the same time pervert the position of Mr. Lincoln. If he had in a thoughtless moment written such a letter or uttered careless expressions of the same character to confidential friends, he certainly had too much confidence in them to believe that his reputation would be assailed by their publication to the world.

My very high opinion of General DAWES convinces me that he was ignorant of this testimony regarding President Lincoln when he put on the first page of his speech the eight words taken from an expression of Hon. Robert T. Lincoln. These unexplained words standing alone do injustice to both the living and the dead. They misrepresent Mr. Lincoln and make his distinguished son appear to attribute to him views

very different from those expressed by him when first informed of the wrong done to Porter.

It seemed that Mr. Lincoln evinced a great pleasure in learning of Porter's ability to vindicate himself, also remarking that "he had a very high regard for General Porter personally and as a soldier."

Of course the distinguished Secretary of War, in the phrase of eight words attributed to him by Mr. DAWES, referred to the ideas which his father derived from the review placed before him by Judge Holt.

I feel confident, when my gallant friend, General DAWES, learns that his expressions did injustice to the magnanimity and love of justice of both President Garfield and President Lincoln, that he will hasten to correct the error into which he has been led.

General DAWES seems to be a gentleman whose mind was made up on this matter twenty years ago. His language on this floor is:

As a soldier of the army of General Pope, and afterward in the Army of the Potomac, I then accepted this action of the court-martial as conclusive upon the subject.

Is it not probable that this fact, together with his acknowledged ability, was the reason why he was selected to combat this cause against General Porter on this floor? General DAWES also says:

That other generals under Pope in that campaign may have failed is quite probable. It was a general failure all around, so far as results are concerned. To assail other generals does not defend Porter.

The intensity of DAWES's feelings he does not attempt to conceal. Because of the disastrous results of the campaign, he seems to think the immolation of some one is due to the country; but in all his long speech I can not see that he gives any reason why Porter should be the one selected for sacrifice. His own wishes on the subject are very tersely and forcibly expressed. I will read his exact words:

From an old letter of my own, written from our camp near Belle Plain, April 8, 1863, I take these words:

* * * * *

"Shot to death by musketry for Fitz-John Porter would have been poor penance for the thousands slaughtered at Bull Run, and we, their surviving comrades and friends, would for their sakes rejoice at it."

I respectfully submit to this House that in the trial of this cause a member who admits such prejudice should be struck from the panel of jurors. We will not object to the use of his great ability as counsel against the accused; but I feel confident from my knowledge of his bet-

ter feelings he will of his own motion decline to stay with us in the double capacity of judge and juror. But whatever may be his disposition in this regard, the friends of justice will certainly appreciate his incapacity to give this case an impartial consideration.

General DAWES's effort to prejudice the case by alluding to the time that has elapsed since the court-martial met in 1862 is a point hardly worth considering. The entire country knows that General Porter has been during all the time assiduous in his demands for a proper hearing of his case. The effort to sustain a wrong by such a plea would meet with no favor from the people. Another effort is made to detract from the dignity of the Schofield board, by assailing them with the statement that they "were without power to compel the attendance of witnesses." This is an equally unfortunate allusion. The record shows that the only witnesses wanted by the Government or by Porter's accusers were easily procured, and it also shows that this want of power to compel the attendance of the witness was only made apparent by the court's strenuous efforts to bring General Pope before it to testify. Pope's appeals to the Government to

SAVE HIM FROM

the severe examination and confusing inquiries to which he would have been subjected is now a matter of history.

Again, General DAWES, wincing under the overwhelming proofs developed by the Schofield board, as a last resort attempts to weaken its findings by speaking of its constitution as of questionable legality.

This attack upon President Hayes would have come with better grace from some one else than the distinguished member from Ohio. The board was, in fact, in the nature of a court of inquiry, which is especially provided for by the articles of war. Even if it should be said that a court of inquiry has no jurisdiction to report upon a citizen, it must be remembered that its report and inquiries were with regard to many gentlemen who still bore commissions in the Army. I have already considered what the evidence shows regarding the animus of the parties, but as General DAWES states that "the animus of Porter will be the controlling consideration in the debate before the American people," let me ask what animus was in Porter's heart when he hurried from the Peninsula to the support of Pope, not even waiting for orders but

anticipating them? What was his animus on August 30, when by gallantry he saved Pope from disastrous defeat? What animus was shown in his reply to a letter from General McClellan which that officer wrote to him at the earnest solicitation of President Lincoln? The animus of Porter during all this time is the same as that which he exhibited from June 26 to the night of July 1, when by his great gallantry and skill he won those

VICTORIES

to which earlier in these remarks I have alluded.

Mr. Speaker, we accept this question of animus, and we inform General Pope and his friends that they shall not retreat from the position which they have taken. Let us consider Pope's animus and that of the Government officials in their treatment of Porter. What was the animus inducing Pope to testify that he had nothing to do with the charges against Porter? He knew that statement to be untrue, and has subsequently made statements that proved that it was not true. He also knew that if he admitted before the court that he was Porter's accuser he would have destroyed the legality of the proceedings. What animus was exhibited toward Porter by the Judge-Advocate of the Army? He had prosecuted Porter before the court as judge-advocate. He then reviewed the proceedings of the court in the capacity of Judge-Advocate-General of the Army.

When Porter completed his defense Judge Holt was invited by the court to reply, but he declined to do so; yet under an order of the President he revised the proceedings in the capacity of Judge-Advocate-General of the Army, preparing a most elaborate argument against Porter, in which he canvassed and reviewed the evidence; and this was the paper which was placed before President Lincoln.

My friend, Mr. DAWES, knows that this argument of the judge-advocate of the court should have been made before that body so that General Porter could have had opportunity of replying thereto. One more point on animus. If Mr. DAWES will read the proceedings of the Porter case, page 489, he will find that during the trial Major-General William B. Franklin informed Porter that, if requested, General John F. Reynolds, General George H. Thomas, and himself would go before the court and swear that they would not believe either Pope or Roberts under oath.

Such evidence would have instantly crushed the prosecution, and Porter knew it, but he declined to have these distinguished gentlemen testify, giving as a reason that it would give rise to bad feeling. Could there, Mr. Speaker, be a more glaring case of animus than was exhibited by McDowell when he circulated what he represented to be a copy of Stonewall Jackson's report of the battle of the 29th, when in truth and in fact the report referred to the battle of the next day, in which Porter was so distinguished? What kind of animus was it, Mr. Speaker, which induced the ordering of an

ILLEGAL COURT?

Illegal because it was not ordered by the President as required by law; illegal because it was in violation of the articles of war. It contained but nine when it should have contained thirteen members. Illegal again, Mr. Speaker, because two of its members were not disinterested in the result of the trial. Illegal also, Mr. Speaker, because one of these interested judges was placed upon the stand as a witness and resumed his place upon the bench as a juror and judge.

But I am wrong, Mr. Speaker, in detaining the House any longer in regard to the argument of the gentleman from Ohio. I hope upon farther reflection that he will be led to do this wronged man justice.

In closing, Mr. Speaker, let me say that I have never seen General Pope in my life, and my knowledge of General Porter is limited to the short time that he was my instructor in artillery at West Point. In common with all men who were thrown under his influence, I recognized in him those elements of which honorable and brave soldiers are constituted. During the last quarter of a century I have not met him but once, and that for a single moment, and in the presence of those who demanded his attention, so that he did not recognize me as one of his pupils at the Academy. I have no prejudice for Porter, nor do I desire to criticise his assailant. Every word that I have said I feel is justified by evidence. I have not sought to vindicate Porter. My object in saying these words to the lovers of right throughout our land is to add my feeble mite toward the establishment of truth, the vindication of honor, and the upholding of the sublime principles of justice.











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